

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 4 June 2024 at 2.00 pm

**Council Chamber, Council Offices, Cannards
Grave Road, Shepton Mallet BA4 5BT**

To: The members of the Planning Committee - East

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

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

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

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **12 noon on Monday 3rd June 2024**.

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 May 2024.

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 4 June 2024

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 - 34)

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 by 5pm on Wednesday, 29 May 2024.

5 Planning Application 2023/2177/OUT - St Edmunds Community Hall Car Park, Chinnock Road, Glastonbury (Pages 35 - 58)

To consider an application for Outline Planning Permission with all matters reserved for erection of 4.no 1-bed units for rental accommodation

6 Planning Application 2022/2509/FUL - Land at The Orchard, Vicarage Lane, Norton St Philip, Bath (Pages 59 - 72)

To consider an application for the change of use of agricultural to Use Class C3 Residential. Erection of 1no. single storey dwellinghouse

7 Planning Application 2023/1879/FUL - 17 Bath Street, Frome (Pages 73 - 92)

To consider an application for the conversion of offices to 5no. dwellings - flats

8 Planning Application 2023/1880/LBC - 17 Bath Street, Frome (Pages 93 - 106)

To consider an application for listed building consent for the conversion of offices to flats

9 Planning Application 2023/2434/FUL - Land At 362036 145587 Windsor Hill Lane, Downside, Shepton Mallet (Pages 107 - 116)

To consider an application for the demolition of existing stables and construction of two storey dwelling and attached garage

10 Planning Application 2022/1028/FUL - Land adjacent to Sunlea, Fosse Way, Kilmersdon, Frome (Pages 117 - 130)

To consider an application for the erection of a dwelling and associated access

11 Planning Application 2024/0291/FUL - Land at 363906 149818 Stockhill, Chilcompton, Radstock (Pages 131 - 144)

To consider an application for the construction of a new agricultural barn, access improvements and associated works

12 Planning Application 2024/0002/FUL - Land at Emborough Farm, Roemead Road, Binegar, Radstock (Pages 145 - 154)

To consider an application for the change of use of agricultural land to a secure fenced dog exercise area

13 Appeals Report (Pages 155 - 160)

A report on the appeal decisions made by the Planning Inspectorate between 23 April 2024 and 22 May 2024.

Other Information:

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

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

Exclusion of the Press and Public

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

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

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

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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



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.

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.

If your Non-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.

*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.

**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 May 2024 at 2.00 pm

Present:

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

Cllr Adam Boyden
Cllr Dawn Denton
Cllr Susannah Hart
Cllr Martin Lovell
Cllr Claire Sully

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Bente Height
Cllr Tony Robbins
Cllr Michael Dunk

14 Apologies for Absence - Agenda Item 1
8

It was noted that Councillor Helen Kay was on a leave of absence and Councillor Michael Dunk was acting as her substitute. Councillor Dawn Denton and Councillor Susannah Hart arrived during agenda item 5 and were not able to take part in the vote for that agenda item.

14 Minutes from the Previous Meeting - Agenda Item 2
9

The Committee was asked to consider the Minutes of the meeting held on 2 April 2024.

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

15 Declarations of Interest - Agenda Item 3
0

Although there was no requirement to do so, Councillor Dawn Denton wished it to be

minuted that, regarding Agenda Item 8, she knew the landowner's brother in a business capacity.

Councillor Edric Hobbs declared that regarding Agenda Item 9, he was predetermined and would therefore leave the room during this item and would not take part in any of the debate or vote.

15 Public Question Time - Agenda Item 4

1

There were none.

15 Planning Application 2024/0289/PAA - Field to the South of Cedarwood House, Holcombe Hill, Shepton Mallet - Agenda Item 5

Change of use of an agricultural building to a 1no dwellinghouse

The Officer's Report stated that the application had been referred to the Planning Committee for probity reasons as the planning agent was an employee of Somerset Council.

The application related to an isolated agricultural building lying within a field to the southwest of a residential property, Cedarwood House. The building was single storey with an earthen floor throughout, and of a lightweight structure. The application sought the change of use of the agricultural building to a larger, 2 storey residential dwelling with parking.

The Parish Council had recommended refusal as the development lay outside of the village development line and the proposed entrance could represent a safety hazard to road users.

The Officer's Report concluded that the proposed conversion could not be undertaken without going beyond what could reasonably be considered as a "conversion" and that the works required would go beyond the provisions acceptable under the relevant legislation. It would amount to a "fresh build" and therefore could not be considered as permitted development. Therefore, the recommendation was for refusal.

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

The Committee was then addressed by a representative from Holcombe Parish

Council. He said the location was unsuitable for the development and that the Parish Council opposed the application.

The agent then spoke. She made the following comments:

- The applicants had lived locally for many years and had a successful haulage business.
- The existing building was redundant.
- The structural report stated the building was capable of conversion.
- The proposal did not represent a “fresh build” and all works required would be permitted under the relevant legislation.

In the discussion which followed many Members agreed that there appeared to be no reason to go against the recommendation of the Planning Officer. The Team Leader – Development Management reminded Members that the only reason the application was at Committee was for probity reasons and that normally this type of application would have been determined by Planning Officers.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to refuse the application in accordance with the Officer’s recommendation.

On being put to the vote the proposal was carried with 8 votes in favour and 2 votes against.

RESOLVED

That planning application 2024/0289/PAA be **REFUSED** in accordance with the Officer’s recommendation

Votes – 8 votes for, 2 against

15 Planning Application 2024/0315/FUL - Land at Underhill Lane, Ston Easton, 3 Wells - Agenda Item 6

Demolition of no. 26 and 28 Orchard Vale and development of 54 new homes.

The Officer’s Report stated that this application had been referred to the Planning Committee because the proposal represented a departure from the Local Plan and the application was recommended for approval.

The Report confirmed that this 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) which were proposed to be demolished to make way for new access, were within BANES' area. This was subject to separate planning to BANES which had yet to be determined.

At Planning Committee in November 2023, a similar application was recommended for approval by Officers, but Members refused permission as the proposal was not considered to constitute sustainable development. This new application was a resubmission and included changes and clarifications to try to overcome the concerns raised by the Planning Committee in November 2023. Following review of the additional information and clarification submitted, the application was deemed to be acceptable in relation to access to services, including schools and medical services. This resubmitted application was concluded to overcome the previous reason for refusal. The increased offer in relation to carbon reduction measures, above policy requirements, further tipped the balance and the application was therefore recommended for approval.

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

Before the public speakers, the Legal Advisor reminded Members about the 'tilted balance' which must be applied in this case and the Team Leader – Development Manager explained the weighting given to each aspect of the application.

There were 2 objectors to the application registered to speak. The first was a Councillor from Bath and North East Somerset Council (BANES). Among the points he made were the following:

- The site is no longer allocated as part of Somerset Council's Local Plan and will not be included in the revised local plan.
- With the number of social/affordable housing being built by BANES and Somerset Council the scheme is unnecessary.
- The applicant has not made the scheme more sustainable and the local GP surgeries are already over-subscribed and the proposed bus would still mean an 11 mile trip for secondary school children, each way.
- The wildlife will be affected, including protected bats, deer and otters.

The second person speaking was unable to connect to the meeting. Her speech was read out by the Committee Officer and included the following points:

- The development will not benefit Midsomer Norton in any way.
- Midsomer Norton is already stretched regarding schools, doctors and dentist

and the roads are chaos.

- Primary school children will no longer have a safe direct route to school.
- Somerset Council takes the Council Tax, but Midsomer Norton residents suffer due to the already stretched infrastructure.

The Planning Agent for the application then spoke and made the following points:

- The previous planning application was refused by the Committee for one reason, that being, the proximity of the site to services and facilities, in particular, secondary schools and GP surgeries. However, the Committee had not been appraised of all the relevant information at that point.
- The homes will be sustainable with air source heat pumps, solar panels and achieve a reduction of over 70% of carbon emissions compared to current regulations.
- Both BANES and Somerset Council Planning Officers have scrutinised the application and are unable to find any justification for refusal.

In the Members' discussion which followed the following comments were made:

- Happy that the previous concerns have been addressed and pleased with the addition of air source heat pumps.
- Felt there is no reason to go against the Officer recommendation.
- Site/open space maintenance will be managed by a site management company. The Legal Advisor said the Section 106 Agreement would require the developer to submit details of this and residents would pay a contribution.
- If this application is approved, BANES Planning would then need to make a decision regarding the access arrangements. If this is refused by BANES, it would likely trigger an appeal to the Planning Inspectorate.
- Concerns regarding the impact on the infrastructure of BANES including access to GP surgeries and additional strain on the electric company. The Planning Officer confirmed the agent had checked and there would be capacity.
- How will the funding of transport to Wells Blue School work? The Planning Officer advised there would be a one-off payment decided by the Education Officers to cover the cost of provision for 5 years.
- When the previous application was debated, there was concern about access for emergency and service vehicles. How has this been addressed? The Highways Officer explained that the applicant had supplied swept path analysis drawings showing how a large vehicle could access the site. These were perfectly adequate and bigger than the 10.4m vehicle required.

At the conclusion of the debate, it was proposed by Councillor Susannah Hart and

seconded by Councillor Edric Hobbs to approve the application in accordance with the Officer's Recommendation.

On being put to the vote the proposal was carried with 8 in favour and 4 against.

RESOLVED

That planning application 2024/0315/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 8 votes for, 4 against

- 15 Planning Application 2023/2088/FUL - The Laurels, Westfield Lane, Draycott -**
4 Agenda Item 7

Replacement of the existing 21-bed residential care home and adjoining land with a new 49-bed care home

The Officer's Report stated that the application was considered to be a departure from the development plan because it lies partly within land allocated within the local plan for housing whereas the application was for care home accommodation. Nonetheless, the recommendation was to approve. Rodney Stoke Parish Council had objected to the proposal. Therefore, it had been referred to the Planning Committee.

The Report explained that the application was for the replacement of an existing 21-bed residential care home and adjoining land on Westfield Lane with a new 49-bed care home together with communal, support and staff spaces and associated works. The lane was single-track and the Mendip Hills National Landscape was visible to the north of the site.

In conclusion, the Officers Report stated that the proposed development would result in significant benefits in terms of additional care home bed spaces and a care home built to contemporary standards. As the application involved housing, the 'titled balance' was engaged. Therefore, permission should be granted, unless the harms significantly and demonstrably outweighed the benefits. As the benefits were considered to be significant and the harms limited, it was recommended that the application be approved.

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

The Committee was then addressed by an objector to the proposal. He made the

following points:

- No local need had been demonstrated for this larger care home facility.
- The scale, mass and form of the planned building would be out of context to the local vernacular.
- There are no significant benefits, and the moderate benefits of the scheme would be outweighed by the harms.
- Planning should therefore be refused.

Next to speak was the applicant's agent who made the following comments:

- The existing care home is no longer fit for purpose, with room sizes and general amenities for residents and staff falling well below current standards.
- The proposal will provide an additional 28 beds, contributing well to the annual need of 40 additional beds identified by Somerset Council.
- The applicant had responded to the Parish Council's concerns about car parking capacity by providing an additional 8 spaces at the rear of the property, making 25 overall.
- The high-quality care home will result in significant benefits and limited, if any, harms.

In the discussion which followed some of the comments included:

- Concern about increased traffic in the residential close.
- The proposal seems too big for the site. Concerns about over-development.
- The access road appears too small for fire engines which was one of the Parish Council's concerns.

In response to comments made, Officers advised the following:

- There had not been any objections from the Highway Authority regarding increased traffic and whatever increase there may be would not be severe.
- The legal requirement for parking provision for this level of development would be 14.2 spaces. The proposal is for 25 which was in response to objections from the Parish Council and local residents.
- To meet regulations a fire engine would need to be able to get within 45 metres of a property, which would be possible in this application.

It was proposed by Councillor Martin Lovell and seconded by Councillor Dawn Denton to approve the application in accordance with the Officers recommendation.

On being put to the vote the proposal was approved.

RESOLVED

That planning application 2023/2088/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 9 votes for, 2 against, 1 abstention

15 Planning Application 2023/2183/FUL - Land to the Southeast of Bradford
5 Road, Rode, Frome - Agenda Item 8

Construction and operation of a solar photovoltaic farm

The Officer's Report stated that this application was recommended for approval by Officers but Rode Parish Council had objected. As the application proposed a major development it had to be determined by the Planning Committee.

The Report explained that the site was east of the village of Rode and was approximately 74 hectares in size. It was proposed to be in 16 zones and was outside the development limits in open countryside. As well as being close to Rode Conservation Area and a long barrow scheduled monument, there were various listed buildings in proximity to the proposed development. The proposal submitted stated that the solar farm would operate for 40 years, after which time it would be removed and the site returned to agricultural use.

The Officer's Report provided a detailed analysis of each of the planning matters and drew a conclusion on each of these. In the final conclusion, an assessment of each of the benefits and harms was presented in a table and the report stated that all other relevant planning matters had been considered during the life of the application including trees, heritage, drainage, design, amenity, highways, public rights of way, ecology and biodiversity net gain. Subject to the imposition of a suite of planning conditions the application was recommended for approval.

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

There were 3 speakers in objection to the application. Among their comments were the following:

- This is a poorly considered project with no support from Natural England,

Historic England or the Parish Council.

- It is a large-scale project which will change the character of the rural area, the setting of the Conservation Area and nearby listed buildings for years to come.
- It will be more than twice the size of historic Rode village, which has 74 listed buildings.
- Full capacity can only be reached for a few weeks a year. There will be none produced in the winter or at night. Solar energy is hugely inefficient compared to offshore wind.
- The Council's own Conservation Officer has said the proposed landscape mitigation is a poor attempt to conceal the scheme which will not work and queried why the solar farm needs to be located so close to the Conservation Area and village.
- The scheme should be refused on the grounds of effect on the character and appearance of the village entrance and harm to the setting of the historic assets. This would allow a new scheme to come forward which could be sited further away from the historic village and listed buildings.
- Concerns regarding access from Monkley Lane due to it being a narrow single-track lane with poor visibility on entering the lane from the A361.
- There are no passing places, only private residence driveways which are often occupied by parked vehicles.
- HGV's will be forced to reverse out onto the busy A361 or reverse 300m down the narrow lane back to the site.
- The farm's main entrance should be used as a single access point to the sites south of the A361.

There were two speakers in support of the application, one of which had his comments read out by the Chair. The supporter's comments included:

- We need to embrace renewable, clean energy to help combat the effects of climate change.
- The project will bring other ecological benefits such as biodiversity in bees and butterflies. Sheep could graze beneath the panels.
- A solar farm would be a great way to diversify, as encouraged by the Government.
- Solar energy is supported locally and nationally to protect the environment and society.
- It would provide renewable energy for 16,000 homes.
- The land is very wet, unworkable clay which results in poor crops, poor herbicide efficacy and even with drainage, it often floods.
- Have taken notice of local concerns and already removed one 18 acre field from the proposal due to the deemed negative visual impact.

The final speaker was the planning agent on behalf of the applicant. He made the following additional points:

- Somerset Council recognises the critical role of solar energy in transitioning to Net Zero.
- It identifies energy storage as an essential cornerstone of low carbon technology. The scheme includes 50MW of Battery Energy Storage.
- 16,000 homes could be powered from this site every year. This represents 6.6% of homes within the County and 33% of those in the Mendip area.
- The project will also bring a biodiversity Net Gain of 50% via the planning of new hedgerow, hedgerow trees and the planning of species rich wildflowers around the site.

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

- Keen to see an increase in renewable energy sources but concerned about the objections from the Conservation Officer and local residents.
- The scale of the proposal seems extreme and appears to be too close to the village.
- Concerned about highways safety, particularly when two HGV's meet on the approach lane.
- Part of the land is unsuitable for agriculture but may be suitable for grazing sheep. The new landscaping will grow over time and shield the site from view.
- Farmers should be given the opportunity to diversify.
- The Parish Council are not totally against the proposal but want to see some modifications and are prepared to work with the developer.
- Solar farms are blots on the landscape, but so are quarries, and only if seen from above. Surely villagers of Rode would prefer solar to wind turbines.
- Could there be some mediation with the residents of Rode?

In response to questions raised by the Committee, Officers responded as follows:

- The identified harms have been assessed as low to moderate on heritage assets and significant on the landscape. The scheme will have a significant impact on the landscape but this needs to be balanced against the benefits of renewable energy.
- Members should be mindful of previous Planning Inspectorate's decisions when making their decision on this application.
- The Landscape Officer has not objected to the scheme.
- There will be a retained hedgerow and consider planting is proposed, but

unable to confirm the panels will not be visible.

- The panels will be 3 to 4m in height and fencing for security is included in the conditions.

At the conclusion of the debate, Councillor Adam Boyden proposed that the application be deferred to allow the applicant to give further consideration to the impact on the landscape and heritage assets. This was seconded by Councillor Edric Hobbs.

Councillor Barry Clarke then proposed to approve the application in accordance with the Officer's recommendation. The Legal Advisor explained that the substantive motions was for deferral and reminded Members that they should give comprehensive reasons for deferral.

After further discussions, the reasons given for deferral were to allow for reconsideration of the scale of the development in terms of the quantum of the application scheme and its impact on the landscape and heritage assets, in particular the conservation area and listed buildings, and reconsideration of the access on Monkley Lane.

Members also requested that a site visit be arranged before the application came back to Committee. Deferment would be for a period of up to 3 months.

On being put to the vote the proposal to defer was carried by 11 votes to 1.

RESOLVED

That planning application 2023/2183/FUL be **DEFERRED** for a period of 3 months, contrary to the Officer's recommendation. The reasons for deferral are for reconsideration of access on Monkley Lane. Also, for reconsideration of the scale of the development in terms of the quantum of the application scheme and its impact on the landscape and heritage assets, in particular the conservation area and listed buildings. A site visit for Planning Committee Members will be arranged.

Votes – 11 votes for, 1 against

15 Planning Application 2023/1855/RE3 - Westway Roundabout, Street - Agenda
6 Item 9

Erection of advertisement 2no. hoarding signs on roundabout

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

Committee as the proposal was made by Somerset Council on land owned by the council. The Planning Officer had recommended approval, whereas the Parish Council recommended refusal.

The application site was the Westaway Roundabout on the A39, at the at the junction with Gravenshon Way and the Clarks Distribution Centre visitors entrance, within the development limits of Street. The application sought consent to erect two post mounted signs on the roundabout which would be approximately 0.76 metres high by 1 metre wide and not illuminated.

Prior to the Planning Officer beginning their presentation to the Committee, Councillor Tony Robbins left the meeting and Councillor Edric Hobbs also left the meeting due to his earlier statement that he was predetermined for this application.

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

There were no speakers registered for this application.

In the discussion which followed some Members felt the additional signage would be detrimental to highway safety and be visually unattractive. The Highways Officer stated that the application had passed the safety audit and as such there was no safety hazard identified. Other Members felt it would be difficult to defend if the application went to appeal and that they could see no harm with the proposal.

Councillor Barry Clarke proposed to refuse the application for reasons of highway safety and visual clutter. This was seconded by Councillor Bente Height. On being put to the vote the proposal was carried with 7 vote for refusal and 3 votes against.

RESOLVED

That planning application 2023/1855/RE3 be **REFUSED** contrary to the Officer's recommendation, due to concerns regarding highway safety and visual clutter.

Votes – 7 votes for, 3 against

- 15 Planning Application 2022/1028/FUL - Land adjacent to Sunlea, Fosse Way,
7 Kilmersdon, Frome - Agenda Item 10**

This application was withdrawn from the agenda prior to the meeting.

- 15 Planning Application 2022/2509/FUL - Vicarage Lane, Norton St Philip -**

8 Agenda Item 11

Change of use of agricultural to Use Class C3 Residential. Erection of 1no. single storey dwellinghouse.

The Officer's Report stated that the application had been referred to the Planning Committee as the applicant was a relative of a staff member. Also, the Officer's recommendation was contrary to that of the Parish Council.

The application related to land located outside of the development limits of Norton St Philip. The land is a small holding including fruit and vegetable growing and there is an orchard which is identified as a priority habitat. The site is also within a bat consultation zone and accessed via an unclassified and unconsolidated lane called Vicarage Lane.

The Report concluded that the proposal had been submitted as a self-build application but it failed to meet the criteria of Policy DP24 as the site was not part of, or adjacent to the nearest recognisable settlement; the scale of the development exceeded the limitations set out in the policy and the design was not in harmony with the character of the area, or of a suitable design which is appropriate to its location. Accordingly, the proposal would result in an isolated rural dwelling in the countryside where development is strictly controlled. Also, the design and scale of the development failed to reflect the character of the area and thus failed to contribute positively to the maintenance and enhancement of local identity and distinctiveness. Together with the concerns with the siting in an isolated location and failure to meet the tests in terms of the principle of development, it would result in unjustified encroachment into the open countryside that would have a significant harmful impact on the rural character of the area and wider landscape. In conclusion, the Officer's recommendation was for refusal.

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

Councillor Height left the meeting at this point.

There was no-one registered to speak on this application.

In the discussion which followed Members made the following observations:

- The Parish Council did not oppose the application but were content to leave it to the local authority to make a decision, as long as the application met the requirements of DP24.

- Unable to see supporting evidence in the Report that the applicant will be off grid.

It was proposed by Councillor Adam Boyden and seconded by Councillor Edric Hobbs to refuse the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was refused with 6 votes in favour, 3 votes against and 1 abstention.

RESOLVED

That planning application 2022/2509/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes – 6 for, 3 against, 1 abstention

NB

Although the members considered the application and reached the decision as set out above, investigations after the meeting clarified that back of house procedure on the application had not been followed correctly, and therefore the application will be presented to the June Committee to be considered afresh. No decision notice was issued.

15 Planning Application 2023/2451/FUL - Flats 1-4, 1 Saxon Vale, Frome - Agenda 9 Item 12

Change of use from four residential flats with C3 use, to C1 (hotel use).

The Officer's Report stated that the application had been referred to the Planning Committee at the request of the Divisional Member. The application related to 4 flats in a Grade II listed building situated within the development limits of Frome and was for the change of use from residential flats to 8 separate hotel rooms on the first and second floors of the buildings.

In conclusion, the report stated that the proposal was acceptable in principle and raised no design, amenity, heritage, highway safety or other concerns. Therefore, the recommendation was for approval.

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

There was no-one registered to speak on this application.

In the discussion which followed Members made the following comments:

- There are already many Airb&b properties in Frome but flat accommodation for letting is in short supply.
- The loss of housing would be detrimental to Frome.
- Frome is an up-and-coming destination and would benefit from more hotel or bed and breakfast accommodation.

In response to questions raised, the Planning Officer and Legal Advisor said:

- There is no planning policy that covers change of use to a type of accommodation that may not be required within a town, e.g. bed and breakfast.
- Members should apply the policies already in place and determine whether there are material reasons for refusal. Officers have concluded that there are none.
- We want to encourage people to come to the district to spend their money to boost the local economy in Frome.

It was proposed by Councillor Dawn Denton and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation. On being put to the vote the proposal was carried with 5 votes for, 2 votes against and 2 abstentions.

RESOLVED

That planning application 2023/2451/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - 5 for, 3 against, 1 abstention

**16 Planning Application 2024/0056/FUL - Park Farm, Haydon Drove, Haydon,
0 Wells - Agenda Item 13**

Conversion of a barn to a single dwelling

The Officer's Report stated that the application had been referred to the Planning Committee by the Chair, as the Officer had recommended refusal but the Parish Council had recommended approval.

The Report continued that the proposal was for the conversion and extension of a barn to a dwelling and was part retrospective. It is located within a small complex which contains an original farmhouse, a holiday apartment and a series of outbuildings. There are also work units to the north of the site, also owned by the applicant.

A site visit was undertaken in February 2024 and the inspection of the works were reflective of a new build rather than a conversion. The building had a new roof which appears to be higher than it was historically, it has new blockwork, floors and steels, in addition to the extension of the footprint and new dormer window. The applicant had not provided any supporting information about the history of the building, a structural survey, an ecological appraisal or any information demonstrating that the development would be phosphate neutral.

In conclusion, the Report stated that there was no policy support in the development plan or from the NPPF and the application was recommended for refusal given that the limited benefits in housing supply terms of one additional unit in an unsustainable location was not considered to be significant and/or demonstrably outweigh the very limited benefits. Also, the proposed development had the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive.

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

There was one speaker registered. He represented the agent for the application and made the following comments:

- There are a number of inaccuracies in the Planning Officer's report.
- The original barn was a milking parlour and the proposal is to retain the existing walls.
- The roof was replaced after the application had been made and is not a new build and is in accordance with the National Planning Policy Framework (NPPF)
- There has been no local representation and the Parish Council supports the scheme.
- 1 extra dwelling will not make any difference to highway safety and would not foster growth in the need to travel as the occupants work from home.

The Team Leader – Development Management reminded Members that there were 3 recommended reasons for refusal in the Officer Report – 1, it is not a sustainable

development, 2, it is regarded as a new build and 3, there was no evidence provided by the applicant regarding the effect of phosphates. The third reason could not be overcome until the applicant had submitted further information regarding this. The required phosphate mitigation could then be secured through condition and/or S106 Agreement.

Members were keen to find a positive way forward for this applicant and agreed the location of the site was very obscured and did not cause any harm. There was a bus stop nearby which made it more sustainable and they felt it did not represent a new build.

It was therefore proposed by Councillor Edric Hobbs to approve the application, contrary to the Officers Recommendation. This was seconded by Councillor Barry Clarke.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/2451/FUL be **APPROVED** contrary to the Officer's recommendation as it was considered that the development did not represent a new build, nor was it considered to be in an unsustainable location. As the impact on the Somerset Levels and Moors Ramsar site could not be assessed due to the lack of sufficient technical information evidencing the level of phosphates generated by the development, delegated authority was given to Officers to grant permission once the appropriate assessment had been concluded and satisfactory mitigation obtained. Officers were also given delegated authority to impose necessary planning conditions and S106 obligations.

Votes - Unanimous

16 Appeal Decisions Report - Agenda Item 14

1

The report of decisions made by the Planning Inspectorate between 21 March 2024 and 24 April 2024 was noted.

(The meeting ended at 6.10 pm)

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CHAIR

Application Number	2023/2177/OUT
Case Officer	Ed Winter
Site	St Edmunds Community Hall Car Park Chinnock Road Glastonbury Somerset BA6 8EW
Date Validated	13 November 2023
Applicant/	H Bedser
Organisation	Julian House
Application Type	Outline Application
Proposal	Application for Outline Planning Permission with all matters reserved for erection of 4.no 1-bed units for rental accommodation.
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

Scheme of delegation

In accordance with the scheme of delegation, this application has been to be referred to the chair and vice chair of the planning committee, as the recommendation is for approval and this does not accord with the recommendation of Glastonbury Town Council. The vice chair has requested that the application be brought to planning committee.

Description of proposal, site and constraints

This is an outline planning application with all matters reserved for 4.no one-bed housing units for rental accommodation, in use class C3 (dwellinghouses).

The application site is located in the Windmill Hill area of Glastonbury. The site is 735sqm (0.0735 hectares). It lies within the settlement boundary of Glastonbury as defined by the local plan. The site comprises a car park, which is owned by Somerset Council and there are no current parking restrictions applicable.

The site is located to the immediate south of St Edmund's Community Hall. A convenience shop (McCull's) is located to the immediate north of the car park. The car park also appears to be used as an informal access to the rear garden of 9 Sandpits Road.

The site is located 0.5 miles from Glastonbury town centre.

Although submitted as an outline an indicative layout has been submitted to demonstrate how the scheme could be delivered on the site.

A revised layout was submitted on 15th April 2024 in order to address concerns about the indicative layout as submitted. The revised layout shows an internal access road running down the western side of the site, with the 4 residential units located to the eastern part of

the site, in two pairs aligned north-south with their principal elevations (with French doors) also facing 'inwards' towards and area of semi-private and shared amenity space.

7 car parking spaces would be provided including 1 disabled bay.

On site constraints

- Area of high archaeological potential
- Main river buffer 20m
- Somerset Levels and Moors SPA, Ramsar (catchment)

Nearby constraints

- Glastonbury conservation area lies c70m south
- Tree preservation order (group) 50m south

Relevant history

- 2016/0289/FUL - Erection of a transmitter aerial to the side of the building. Aerial will be approximately 2 metres high and 1.5 metres wide. Approved 20-APR-2014.

Summary of division councillor comments, parish/city council comments, representations and consultee comments

- SC division member: No comments received.
- Glastonbury Town Council: Objection (full comments on website)
 - Negative impact on the amenity of another property
 - Not compatible with existing uses for example the development is Class C3 and will be built on a site currently used as a car park for a class F2(b) property.
 - May cause traffic problems due to loss of parking spaces for the hall. Proposed parking spaces appear to be for the proposed development.
 - Negative impact on viability of St Edmunds Ward Community Hall as it will reduce the number of bookings due to the loss of car parking spaces.
 - Layout and density of the development is inappropriate.
 - The type of housing proposed will not satisfy the local housing need identified through Glastonbury Town Councils Housing Needs Assessment.
- SC Contaminated Land: No objection.
- SC Ecology: No objection subject to conditions.
- SC Environmental Protection: No objection subject to condition on construction hours.
- SC Highway Authority: Objection.
 - Turning area shown on plans is outside site area and therefore cannot be secured. Therefore, it has not been demonstrated that a suitable parking and turning arrangement can be achieved.

- Loss of vehicle parking facilities and would, therefore, encourage parking on the highway with consequent risk of additional hazards to all users of the highway.

Any further comments following the submission of the revised indicative layout received on 15th April will be reported as an update.

- SC Housing Enabling: Support.
 - Aligns perfectly with the Council's strategic aims and efforts to increase the overall provision of affordable housing, and specifically supported and specialist accommodation for homeless individuals
 - It also directly relates to the government's targeted funding programme: Single Homelessness Accommodation Programme (SHAP) a short-term funded programme set up to help local authorities reduce rough sleeping in areas of significant need.
 - This scheme will not only contribute towards a wider range of affordable homes through additional units which will support different client groups and cohorts; but it will also contribute significantly to the lives of people who have experienced homelessness and who need specialist accommodation to enable them to transition to independent living.
 - The application is based on the principles and evidence of reducing rough sleeping and ending homelessness as outlined above and worked up in full collaboration with government departments at DHLUC, Homes England and their specialist investment managers, cross-departmental working within Somerset Council, Glastonbury Town Council, and the Housing Provider Julian House the applicant for the scheme.
 - We have insufficient accommodation in the East Somerset area for vulnerable people/rough sleepers and significant gaps in the accommodation pathway to meet the identified need and demand. Existing schemes are working at full capacity and the lack of next step and intermediate move on accommodation is causing issues in meeting overall demand and next step move on, from Off the Street provision.
 - In addition, the mismatch in supply versus demand means that existing supported housing creates longer waiting times or work arounds with general needs housing, the private rented sector, and complex needs as well as Floating Support. Therefore, move on accommodation with support levels to meet the complex needs and a step down from higher support services, is a critical need.
- Environment Agency: No response received.
- Natural England: No objection.
- South-West Heritage Trust Archaeology: No objection.

Summary of representations from neighbours/members of public

Support 6

- New Meaning Foundation have built and installed this type of homes at 3 sites. We have got to know many of the residents over the last years. Our work is with ex-homeless and NEET people training and employing them in construction of the homes. The improvement in self-esteem, self-confidence and subsequent rehabilitation into society, into employment and the clear general greater wellbeing and health of residents in these schemes is truly life-changing and hugely inspiring.
- Units are placed in the town near enough to facilities for local engagement.
- There are buses into town.
- There will still be space for the hall to continue to be used for activities and parking.
- There is local fear and prejudice against the homeless but surely we have to accept that in Glastonbury there are homeless people and anything that can be done to help this situation should be welcomed.
- The public often have a misconception of the 'Homeless'. These days many people are on the edge of managing even if in secure work and have families, and even a small crisis in their lives can tip the balance. A temporary home can set them back on track.
- Residents could become valued members of the local community.
- 'Homeless' people are often used to walking long distances.
- It will provide an appropriate environment for individuals recovering from homelessness to develop independence skills, grow in self-esteem, engage in meaningful activities.
- This high-quality provision is much needed as an alternative to low quality emergency or temporary accommodation in which individuals receive little or no support.
- I see this proposal as providing a great waypoint for people on their supported journey, from social exclusion and homelessness to independent living and a better future. There is clearly a very high level of need in this area and better solutions, situated within the community itself, are needed to tackle the continuing growth in van and shelter living. These will be purpose-designed units, supported 24/7 by the Julian House team and with a Management Plan in place to support community cohesion.

Objections 30

- Inappropriate location.
- Loss of car parking for events at community hall.
- Not a suitable place for vulnerable individuals who may have alcohol/drug abuse issues.
- The area is isolated and difficult to reach without private transport.

- Employment opportunities in the area are limited.
- This will bring dangerous people to our community and encourage antisocial behaviour (wording as represented).
- The location of the site behind a licenced shop would be inappropriate for recovering alcoholics (wording as represented).
- The community hall provided a safe community space for children. These units would jeopardise this.
- The hall provides a number of community activities.
- Consultation events were poorly advertised.
- The recent Town Deal Funding award of £50,000 towards comprehensive refurbishment has re-vitalised its popularity.
- The existing car park has a higher capacity than stated in the application submission – at least 17 instead of 11, and therefore the proposed development would result in a greater loss of parking than stated in the application.
- Vehicular access and manoeuvring on the proposed site will inevitably raise concerns for Emergency Vehicles, Waste Collection and deliveries to the hall.
- Car park is not underused.
- The units would look out of place on that site.
- The shop already generates significant parking need. Loss of parking would exacerbate this.
- The parking is essential for the hall as the hall is located up a steep hill.
- McColl's may be negatively impacted due to loss of parking.
- Other car park would be better than this one for the development.
- Existing uses of the community that require car parking include its use as a polling station, as a repair café, where members bring their own tools.
- Reduction in privacy for adjacent garden and would make it difficult to access drive.
- This is not a good use of public money when there are houses standing empty in the town that could be re-utilised. Also £100,000 per unit is a vastly inflated sum. For example bespoke small eco homes at tinyecohomesuk.com sell at retails for between £48,000-£64,000. How are these basic units so expensive?
- No site notice was displayed.
- We as residents of Highbank, Old Wells Road directly opposite, bought our house 3 years ago at the very start of the Covid 19 pandemic , it was a difficult time . We suffered from several homeless people in caravans parked in the carpark with fights, noise pollution fires and violence to which the police were called several times . Eventually they were evicted and a height barrier was installed to stop them. I know modular homes are not quite the same as a caravan, but possibly worse as they are more permanent than a caravan. The car park is on the same level as our house and any noise we will suffer. The kind of people that homeless people will attract are not desirable. This will probably cause a lowering of our property value which is unacceptable to us all.

- I own and live at number 6, Old Wells Road, along with my long-term lodger. The application as proposed would have a dramatic and negative impact on the natural light available to our property. I believe this to be a unique concern as the proposal would not have the same impact on number 4, Old Wells Road, nor Highbank. Our property already suffers from a lack of natural light. Reassurances that the new builds will be no taller than the existing St Edmunds Hall are not reassuring; the direct proximity of the proposed residential accommodation to Old Wells Rd, beneath, means that these new builds will block out considerably more light than the existing structure.
- Land is public amenity land and should be protected as such.
- I am worried that this proposal will undermine access for less mobile people to this very popular community hall.
- There are loads of houses on the hill that are not selling - why not convert one of them instead?
- My concern for this application is because St Edmunds Hall car park is the way I access where I live. I have a legal Right of Way which clearly states that the area next to the hall is to be kept clear for our use as well as permission to drive through the car park area. I do not have an individual front entrance and I do not have good enough mobility to walk the steep ramps and paths so the back entrance is mine and my family's access.
- Glastonbury Town Deal Board objects to the application, as the loss of the car park will have an overbearing and dominating impact on the viability of the Community Hall; reducing the number of bookings - and threatening the feasibility of the proposed community café and social hub - due to the loss of car parking spaces.
- As Chair of St. Edmund's Ward Community Hall, I am writing on behalf of my fellow Trustees to object to the application. The Car Park is essential to the hirers and users of the Hall, which has recurring, regular bookings every weekday evening and most daytimes. Following the recent £65,000 renovations - as part of the Glastonbury Town Deal Accelerator Fund - our kitchen was re-fitted to a commercial standard with the aspiration to set up a café; providing a Social Hub for the community.

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 development plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites & Policies (2021) (post JR version)

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

application:

Core policies

- CP1: Mendip Spatial Strategy
- CP2: Supporting the Provision of Housing
- CP7: Glastonbury Town Strategy

Local development policies

- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP5: Biodiversity and Ecological Networks
- DP7: Design and Amenity of New Development
- DP8: Environmental Protection
- DP9: Highways Impact of New Development
- DP10: Parking Standards
- DP14: Housing Mix & Type
- DP17: Safeguarding Community Facilities
- DP19: Development Contributions
- DP23: Managing Flood Risk

Other possible relevant considerations (without limitation)

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Parking Strategy (September 2013)
- Mendip Design and Amenity of New Development – Supplementary Planning Document
- Net Zero Carbon Toolkit July 2021

Assessment of relevant issues

- The site lies within the settlement boundary of Glastonbury as defined by the local plan, where the principle of residential development is acceptable. The site is also previously developed.
- The site comprises a car park, whose main use is associated with St Edmund's Community Hall, which is located to the immediate south of the site. St Edmund's Community Hall is considered to be a community facility, for the purposes of local plan policy DP17.
- The existing car park provides 11 car parking spaces. Proposals are for 5 spaces to be retained. No car parking spaces would be provided for residents of the five units. However, the turning area is outside the application site area and therefore cannot be secured.
- The application involves the provision of housing and the Somerset East area is unable to demonstrate a five-year supply of housing sites in the Somerset East

- area.
- The titled balance is engaged.

Principle of the use

This is an outline planning application with all matters reserved for 4.no one-bed housing units for rental accommodation. The site lies within the settlement boundary of Glastonbury as defined by the local plan. The site is also a previously developed site. In order to enable the most sustainable pattern of growth, CP1 directs the majority of growth to the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. CP1 also seeks to maximise the re-use of appropriate previously developed sites and other land within existing settlement limits.

CP2 confirms minimum requirements for the district overall and by settlement and that the delivery of housing will be secured from infill, conversions and redevelopments within development limits defined on the policies map, subject to compliance with national planning policy and specific policies within the Local Plan, particularly matters relating to design, local distinctiveness and identity and amenity. Policy CP7 sets out further guidance for the way in which Glastonbury is expected to develop and grow over the plan period. In relation to the spatial strategy, the proposed development is acceptable in principle, subject to compliance with other relevant plan policies.

Highway and parking impacts

There is no change to the access arrangements to the existing car park.

The plans of the site as existing show 11 car parking spaces which is not representative of the actual layout. Notwithstanding, it is agreed that the site could reasonably accommodate 11 car parking spaces (confirmed by the Highway Authority).

The Countywide Parking Strategy requires 6.8 car parking spaces to be provided for the 4 new units in this location and between 5-6 spaces to serve the Community Hall, resulting in a combined requirement for 12-13 spaces.

Given the scheme proposes 7 parking spaces the proposed development would result in a shortfall of 5-6 spaces against the 12-13 that would be required as set out above.

Comments from the Highway Authority have raised the issue of the shortfall of parking, the extent to which the site and car parking spaces could be accessed and readily used and the servicing arrangements for the convenience store. The revised indicative layout plan incorporates the necessary tracking details to confirm that the proposed parking arrangements would work from an operational point of view without comprising the servicing arrangements for the convenience store. This part of the objection from the Highway Authority is now considered to have been resolved. Any further comments will be

provided as an update to this report.

Turning to the parking provision it is recognised that the shortfall to serve the proposed dwellings and the Community Hall could result in parking displacement which could increase pressure for on street car parking.

Of relevance to this point the applicant is a homelessness charity and the intention is for the units to be used as stop-gap accommodation. In order to control the manner in which car parking as proposed is used it is considered that this can be appropriately managed with a requirement for the submission of car parking management plan which is included as part of the recommendation

Overall, as a result of the likely displacement and increase in demand for on street parking the impact is considered to result in moderate harm.

Safeguarding community facilities

Policy DP17 states that development proposals that would result in the loss of sites or premises currently or last used for local facilities and services will not be permitted unless:

1. Suitable alternative provision is being made in the locality and will be available before development or change of use can commence; or
2. The maintenance of the existing use would perpetuate existing amenity, highway or other environmental problems; or
3. If the service or facility is of a commercial nature (including pubs and neighbourhood shops), and there is no likelihood of a viable community use.

The application site is considered to be a separate planning unit from the community hall and the shop. While it is used in connection with both the community hall and the shop, both of these are separate planning units to the car park. The car park itself is therefore not considered to be a community facility to be protected under DP17.

However, the application site is immediately adjacent to the community hall, which is a community facility for the purposes of DP17, and the car park currently provides car parking for users of the community hall as well as for visitors to the local shop.

Despite there being no specified restriction of the use of the car park for users of the community hall, the car parking is still considered to be important to the *functional* use of the community hall and therefore this is considered material to the determination of this application. For the avoidance of doubt, the application is not considered contrary to DP17 due to loss of parking, but, as discussed in the section above in this the reduction in car parking spaces is considered likely to affect the usage/usability of the community hall and this is considered material to the determination of this application.

The assessment of the car parking impact arising from the development has been set out above and overall, the loss of the car parking spaces is considered to result in moderate

harm to the use of the hall as a community facility.

Local Identity and Distinctiveness

DP1 states that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district and that proposals should be formulated with an appreciation of the built and natural context of their locality, recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity.

DP1 also states that where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also take into account efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location.

The existing site is considered to make a negative contribution to identity and distinctiveness of the area. None of the features mentioned in the policy are present on site, with the exception of some hedgerows to the site boundaries, which could be retained. Otherwise, the site consists of a car park laid to tarmac, with no characteristics that are positive in terms of local identity and distinctiveness.

The proposed development is currently in outline form and therefore the details of the proposed development is indicative. However, it is considered that that an acceptable form of development could be achieved on this site. A condition requiring a plan setting out landscaping as part of any reserved matters application is considered reasonable and necessary to protect and enhance local distinctiveness.

Design and Amenity of New Development

DP7 states that the Local Planning Authority will support high quality design which results in usable, durable, adaptable, sustainable and attractive places. The policy continues as follows:

Proposals for new development should demonstrate that they:

- a) are of a scale, mass, form and layout appropriate to the local context
- b) protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants
- c) optimise the potential of the site in a manner consistent with other requirements of this policy

- d) incorporate all practical measures to achieve energy efficiency through siting, layout and design
- 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
- g) meet the access needs of a wide range of users
- h) incorporate appropriate crime prevention measures
- i) undertake construction in a manner that makes efficient use of materials and minimises waste.

Scale, mass, form and layout: This is an outline application and therefore the scale, massing and form is not fixed at this point. However, the application does provide an indicative set of designs. The scale, massing and form of the proposed development (as shown indicatively) is considered appropriate to the local context. The site is within an existing car park, which is accessed through a single-vehicle width entrance. It is thus reasonably well enclosed and detached from the wider street scene. The architecture of the proposed units is very different from that of the typical dwellings in the area, but the detached nature of the site means that the two styles would not read as discordant. Further details of design and materials would be assessed at reserved matters stage.

Amenity: While the application is in outline form, details of site layout and elevations have been provided. The proposed units would be single storey, with windows to the rear (serving the bedroom), side (serving the kitchen) and the front, serving the main living space. The front windows are shown as full length and width glazed doors. A small amenity space is shown between the units.

Due to the single storey nature of the units, distance from existing properties and topography, no undue overbearing is anticipated. This includes the existing dwellings 4-6 Old Wells Road. These dwellings are set on significantly lower ground than the site on which the new units would be located. The car park is 3-6m higher than the relevant section of Old Wells Road. The proposed units are shown as being 13m (measured of plan and not taking into account the level change) from the fronts of 4 and 6 Old Wells Road at closest. A number of trees (albeit deciduous and therefore not in leaf over winter) are also located on the bank between the site and the road. Based on the situation and characteristics described above, it is not considered that any overbearing impacts would arise from the proposed development.

Privacy and overlooking concerns have been raised by the occupiers of the properties adjacent to the site on the Old Wells Road, largely due to the different ground levels between the application and these properties. The layout and any potential impact would be confirmed at the reserved matters stage, however as the revised layout now shows facing each other, and the amenity area has moved, it is considered that limited overlooking would arise and furthermore could be further mitigated with suitable screening, which could be secured as part of the landscaping plan as recommended by condition.

Privacy issues have been raised in relation to the rear garden of 9 Chinnock Road. This garden is already open to view from users of the car park and it is not considered that any undue privacy issues would arise as a result of the proposed development.

It is not anticipated that any other undue overlooking issues would arise.

Therefore, the proposed development is not considered to result in any undue overbearing impacts.

Site optimisation: Whether the proposals optimise the potential of the site in a manner that is consistent with other requirements of the policy requires consideration of the amount of development proposed, while considering other design factors, so as to avoid overdevelopment, for example. In this case, it is considered that the proposed development would optimise the site. While the units are single storey only, introducing further storeys here could result in conflict between the proposed units and existing units, in terms of overlooking and also wider design considerations. It is considered that proposals would accord with this part of the policy.

Energy efficiency: Matters in relation to parts d-h would be addressed through reserved matters. Part i could be addressed through a construction management plan, secured by condition.

Heritage Conservation

The site is located within an area of high archaeological potential. However, South-West Heritage Trust have commented that the archaeological potential of the site is considered to be low and no further investigation is required.

There are no listed buildings on site or nearby. It is not considered that the significance of any heritage assets would be affected by the proposed development.

Biodiversity and Ecological Networks

Phosphates

The application site is within the fluvial catchment of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). In the absence of mitigation, the application will add phosphorus to the catchment of the designated site due to the increase in dwellings proposed.

The applicant has provided a nutrient assessment as part of the submitted Shadow Habitats Regulations Assessment (sHRA), which relies on the purchase of phosphorus credits from Manor Farm Phosphorus Credits Scheme. The submitted nutrient assessment demonstrates that wastewater production and land use change arising from the proposed development will generate an additional 0.31 kg of phosphorus (TP) per year (including a 20% buffer). The nutrient assessment proposes to mitigate for the additional phosphorus by purchasing 0.31 of nutrient credits from Manor Farm Phosphorus Credits Scheme (each credit mitigates 1kgTP/year). Evidence of a transactional agreement/purchase between the applicant and Manor Farm Phosphorus Credits Scheme to purchase 0.31 of Nutrient Credits has also been provided within the submitted nutrient neutrality and mitigation strategy but a condition would be needed to secure completion of this agreement.

Somerset Ecology Services are satisfied with the sHRA, which also covers the nutrient neutrality and mitigation strategy, and recommend that the sHRA is suitable for endorsement and subsequent adoption by the Council. Subject to a condition that requires the submission of evidence of the nutrient credits prior to commencement, the LPA is satisfied that the proposed development would not adversely affect the Somerset Levels and Moors Ramsar site.

Natural England has commented that they have no objection to the proposed development. Taking all of the above into consideration, including the suite of controls as set out in the recommended conditions, 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. On this basis it is therefore considered that 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

Biodiversity net gain

SES is satisfied with the application, subject to the retention of retained hedgerows and

trees, as well as conditions to secure details of external lighting and a landscape and ecology management plan, in order to protect bats and landscape features and other species on the site. These conditions are considered reasonable and necessary to make the application acceptable.

On the basis of the advice received from SES, the proposed development is considered to accord with to local plan policies DP5 and DP6 and NPPF paragraph 180.

Environmental Protection

Policy DP8 states that development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on:

- Ambient noise levels.
- Air quality.
- The quality of water resources, whether surface river or groundwater.
- Biodiversity.
- Light pollution.
- Land quality and ground stability.
- Residential amenity.
- Public health and safety.

Biodiversity is dealt with under the section on ecology.

The council's environmental protection team (covering noise, air quality, land contamination and public health and safety) have raised no objection to the application, although a condition regarding the hours of construction operations is recommended.

No details of lighting have been submitted at this stage. However, it is anticipated that an acceptable lighting scheme could be achieved and the submission of a lighting scheme would be secured in any case, as per comments in the section on ecology.

The proposed development is therefore considered compliant with, or capable of complying with policy DP8.

Affordable housing

While the proposed development is described as aimed at those in situations of homelessness, and would likely fall within the definition of affordable housing, planning permission is not sought on the basis that is an exception site. The NPPF also states the affordable housing contributions should not be sought on site of 10 dwellings or fewer.

Therefore, there is no basis to secure tenure through a planning obligation.

Further issues

Public comments raise further issues that have not been addressed above, relating to identity and characteristics of future residents, private rights of access to land, cost

effectiveness of the project and the site notice. These are discussed below.

Identity and characteristics of future residents

- Concerns over vulnerable or dangerous individuals who may have substance abuse issues coming to live in a residential area and this may lead to anti-social behaviour.
- The proximity of the licenced shop to the site would be inappropriate for recovering alcoholics.
- The community hall provides a safe community space for children. These units would jeopardise this.

While the application is made by a homelessness charity, details of the circumstances of individuals who would live in the accommodation are not considered to be material for planning purposes. The units would be in C3 use as dwellinghouses and therefore, as far as planning is concerned, anyone could live in them, as is the case with any dwellinghouses in C3 uses, subject to restrictions such as those relating to affordable housing etc.

Private rights of access to land

- Concerns over access to rear garden of 9 Chinnock Road).
- Concerns over access to car parking space adjacent to community hall (for the benefit of 2 Windmill Hill Road).

The access to the rear garden of 9 Chinnock Road is via the car park, which is owned by Somerset Council. There is no right of access to the rear garden of 9 Chinnock Road via the car park. However, the council understands that there is an access agreement that benefits 2 Windmill Hill Road. This car parking space and access to it would be maintained to the car parking space that benefits 2 Windmill Road.

Cost effectiveness of the project/poor use of public money

This is not a planning matter.

No site notice was displayed

Neighbour notifications were carried out in accordance with standard requirements.

Planning Balance

Benefits

The provision of four 1-bed units for rental accommodation. According to council's housing enabling team, this scheme will contribute towards a wider range of affordable homes through additional units which will support different cohorts and will also contribute significantly to the lives of people who have experienced homelessness and who need specialist accommodation to enable them to transition to independent living.

The housing enabling team also states that there is insufficient accommodation in the East Somerset area for vulnerable people/rough sleepers and significant gaps in the accommodation pathway to meet the identified need and demand. Existing schemes are working at full capacity and the lack of next step and intermediate move on accommodation is causing issues in meeting overall demand. 'Move on' accommodation, such as that proposed, with support levels to meet the complex needs and a step down from higher support services, is a critical need.

This benefit is attributed to significant weight.

Harms

Loss of car parking, as discussed above, is considered to result in a moderate harm to the hall as a community facility.

Additional car parking pressure that would arise as a result of the loss of car parking and displacement is also considered a moderate harm.

The cumulative harm of the above is still considered to be moderate.

Environmental impact assessment

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

Equalities Act

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

Conclusion

This is an application that would provide housing within use class C3 (dwellinghouses) on a brownfield site and which is in accordance as a matter of principal with the development policy framework against which the application has been assessed against. Therefore the application should be granted unless the harms arising significantly and demonstrably outweigh the benefits.

As set out in the planning balance section, the identified benefits are considered to be

significant and the harms moderate. Therefore, the harms of the application do not significantly and demonstrably outweigh the benefits and planning permission should be granted.

Recommendation

Approval

Conditions

1. Plans List (Compliance)

This decision relates to the following drawings:

AA/23/29/01 rev A

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

2. 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).

3. Phosphate Credits Allocation Certificate (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, 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 Development Policies 5 and 8, as well as Paragraphs 180 and 186-188 of the National Planning Policy Framework.

4. **Construction Environmental and Ecological Management Plan - Reserved Matters (Compliance)**

The reserved matters application shall include a Construction Environmental and Ecological Management Plan. Thereafter, the development approved (including demolition, ground works, and vegetation clearance) shall be done in strict accordance with the approved Construction Environmental and Ecological Management Plan (CEEMP). The CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

5. **Landscape and Ecological Management Plan - Reserved Matters (Compliance)**

The reserved matters application shall include a Landscape and Ecological Management Plan (LEMP) for the proposed vegetated areas of the application site. 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 '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 Local Plan.

6. **Parking (Compliance)**

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

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

7. **External Lighting (Reserved Matters)**

The reserved matters application shall include full details of all new external lighting. 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 operated in accordance with the approved details.

Reason: To avoid harm to bats and wildlife in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Site Management Plan (Pre-Occupation)**

No occupation shall commence until a Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Management Plan shall include management arrangements for the property, including procedures for dealing with Complaints and Feedback, Anti-social behaviour, Managing behaviour outside the scheme, Noise, Fire and Emergencies and Parking and Access.

Informatives

1. **"Securing the Acquisition of Third-party Phosphate Credits**

If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site."

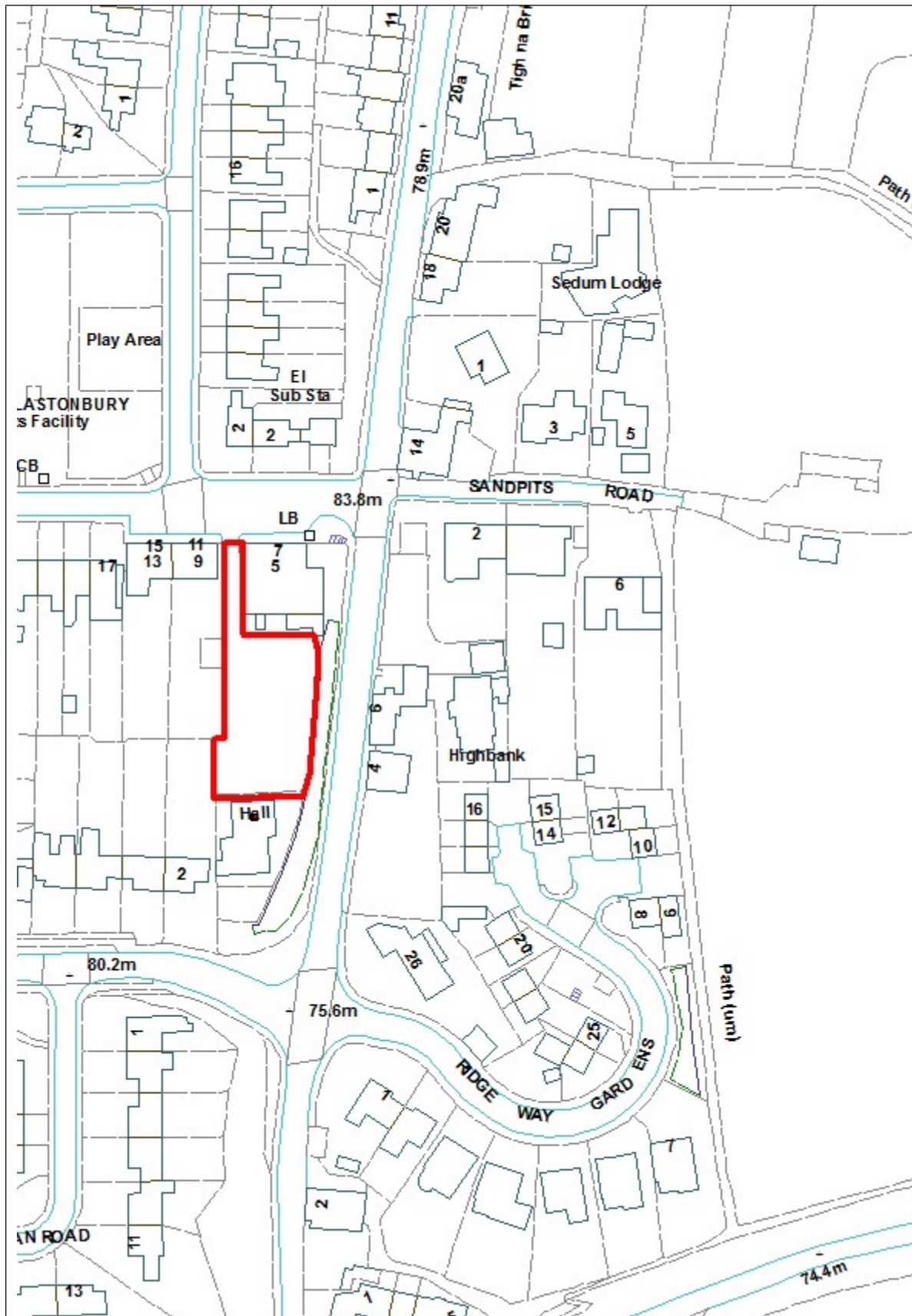
2. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means 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 implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

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 until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

3. Please consider including the following within the Landscape and Ecology Management Plan (as part of the reserved matters application).

- a) Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log/ bike store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within, at a height above 3m.
- b) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of a tree and maintained thereafter.
- c) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of a tree and maintained thereafter.
- d) One integrated bee brick must be built into the external wall space of one dwelling. The brick will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.
- e) One Built-in Woodstone Bat Box, or similar, to be installed on the southern and/or western elevation of a new dwelling, at a height of over 3m.
- f) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.
- g) Tree and native shrub planting; All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native. All new trees planted on site must be native species and from local native stock, including field maple, ash, hornbeam, dogwood, spindle, beech and fruiting trees.

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Planning Board Report 4th June 2024
St Edmunds Community Hall Car Park
Chinnoek Road
Glastonbury
Somerset
BA6 8EW

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Application Number	2022/2509/FUL
Case Officer	Lorna Elstob
Site	Land at The Orchard Vicarage Lane Norton St Philip Bath Somerset
Date Validated	17 January 2023
Applicant/ Organisation	C Wharton
Application Type	Full Application
Proposal	Change of use of agricultural to Use Class C3 Residential. Erection of 1no. single storey dwellinghouse.
Division	Frome North Division
Parish	Norton St Philip Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Adam Boyden Cllr Dawn Denton

What three words: shunning.yappy.airbag

Reason for referral back to Planning Committee

Whilst this application was debated at planning committee on 7th May it has become apparent that the letters notifying interest parties that the application would be heard at planning committee wrongly advised that it would be held at the July meeting. To enable those parties an opportunity to register to speak against the item and for members to consider any such representations, the application is being brought back to Committee.

Scheme of Delegation:

The application is referred to the Planning Committee as per the scheme of delegation as the applicant is a relative of a member of staff.

It should also be noted that the officer recommendation is contrary to that of the Parish Council. Although it is noted that the parish council stated it is the LPA's role to determine whether the proposal satisfies the criteria in DP24.

Description of Site, Proposal, and Constraints:

This application relates to a parcel of land located outside of the development limits of Norton St Philip. The land is currently a small holding including fruit and vegetable

growing and animals. The other part of the land (outside of the red line) is an orchard which is identified as a priority habitat. The site is also within a bat consultation zone.

The site is accessed via an unclassified and unconsolidated lane called Vicarage Lane.

The proposal is for the change of use of agricultural to Use Class C3 - residential and erection of 1no. single storey dwellinghouse.

Relevant History:

2022/1394/FUL – Change of use of Agricultural Land to Class C3 Residential and erection of 1no. single storey dwellinghouse. Withdrawn 28.09.22

Summary of Division Member comments, Parish Council comments, representations, and consultee comments:

Division Member: No comments received.

Norton St Philip Parish Council: The PC recognises that it is the LPA's role to determine whether the proposal satisfies the criteria in DP24. Subject to the LPA concluding that the criteria have been met, and a condition imposed ensuring the dwelling remains affordable in perpetuity, the PC **supports** the application.

Highways Development Officer: Standing advice applies.

Land Drainage: Objected, requesting additional information. Updated information has been provided but no new comments have been made.

Local Representations:

3 letters of objection have been received raising the following planning issues:

- Lack of compliance with DP24
- Location away from settlement
- Access
- Drainage
- Bin collection

16 letters of support have been received raising the following planning issues:

- Provision of a family home
- Sustainability

Full details of all consultation responses can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)

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

- CP1: Spatial Strategy
- CP2: Housing
- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and 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

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

- DP24: Single-plot Exception Sites for Self & Custom-Build

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)

- Policy DP24 Supplementary Planning Document - Self and Custom-build Single-plot exception sites in Mendip (March 2022)

Assessment of relevant issues:

Principle of the Use:

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

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

Policy DP24 of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version) relates to Single-plot exception sites for self and custom build. This is supported by an SPD. The policy details that as an exception to normal policy for the provision of housing (CP1 and CP2), permission may be granted for single affordable self build and custom build dwellings in locations adjoining rural settlements where they meet the necessary criteria.

The proposal is tested against the criteria of DP24 as follows:

Eligibility

Applicants must demonstrate that they are in housing need and are unable to identify or afford a suitable alternative home currently for sale on the open market in the local area or within 5km of the proposed site. Applicants must also demonstrate a strong local connection to the settlement.

The applicant has provided suitable evidence to confirm their compliance with this criteria. However, it should be noted that the applicants do not own the land on which the application has been submitted.

Location

Exception sites must be part of, or adjacent to, a recognisable named settlement.

The site is not located within or adjacent to a recognised settlement. The site is located approximately 100m from Norton St Philip development limit.

Design and Scale

The dwelling size will not normally be permitted to exceed 140 square metres gross internal floor space or occupy a plot of more than 0.1ha. Development must be in harmony with the character of the area, of a suitable design which is appropriate to its location.

The proposed dwelling has a floor space of approx. 156.5m².

The plot occupies approx. 0.25 hectares.

The size of the proposed dwelling and the site (as indicated by the red line) are both in excess of the policy specifications and no justification has been provided for this.

The design of the dwelling focuses on the sustainability of the building and therefore bears little resemblance to any other property or building in the locality. Norton St Philip has many historic buildings, many of which are constructed of local stone. The proposed dwelling uses local stone and larch cladding to acknowledge the materials used in the locality.

Future Occupation

To ensure community benefit going forward, appropriate mechanisms must be in place to ensure dwellings remain affordable in perpetuity.

This would need to be secured by an S106 agreement signed by both the applicants and the land owners. Noting the applicants are not the land owners

Conclusion against DP24

Taking the above points into consideration the proposal fails to comply with DP24 as the site is not part of, or adjacent to the nearest recognisable settlement (Norton St Philip).

Additionally the gross internal floor space and plot area exceeds the limitations set out in the policy and the design is not in harmony with the character of the area, or of a suitable design which is appropriate to its location.

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), can only be given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in

favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (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 policies taken as a whole or where its specific policies indicate that development should be restricted.

In this case given the proposal is contrary to DP24, it would be contrary to Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2 and would result in an isolated dwelling in an unsustainable location. As a scheme for just one dwelling, the benefits of the proposal are not considered to outweigh the harm caused by this conflict against the development plan and the other harms assessed below. The principle of development is therefore considered unacceptable.

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

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. 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.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The building is designed to maximise the sustainability and facilitate an "off grid" lifestyle. Whilst doing so the design fails to adequately recognise or acknowledge the traditional building designs within the locality. The fenestrations are unusually arranged on the building. However the materials proposed are similar to those seen within the main village in that they include local stone and slate.

The creation of a dwelling in this rural location in such a large plot would create significant encroachment of domestic planting and paraphernalia directly adjacent to farmland which would have a detrimental impact on the openness of the countryside.

The proposal by reason of its design, siting and scale fails to respond to the local context and fails to maintain the character and appearance of the surrounding area. The proposal therefore fails to accord with Development Policies 1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Neighbouring and Residential Amenity:

The proposed dwelling is in an isolated location and therefore there is unlikely to be any impact on nearby properties.

The proposed dwelling is on a parcel of land which is adjacent to an existing orchard, which is a priority habitat. There is a track that runs through the site and onwards into the orchard. The creation of a dwelling in the front section of the site could have a detrimental impact on the management and maintenance of the orchard. It is noted that the parcel of land subject to the application and the orchard are both within the same ownership, neither part is within the ownership of the applicant.

Given the design, scale, massing, and siting of the proposed development would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic, or other disturbance. The proposal accords with Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The site is located within a bat consultation zone and also within and adjacent to a priority habitat. A preliminary ecological assessment has been undertaken on the site and confirms there are no protected species present. Although it is noted that the site is a foraging route for several species of bats.

The report includes recommendations with regards to lighting and protection of hedgerows.

If the application was otherwise considered acceptable, conditions could be imposed to ensure the proposed development would not have an adverse impact on bats or other ecology. The proposal accords with Development Policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There are no proposed changes to the access for the site. Given the existing use, it is not considered that the proposal would result in a significant increase in traffic movements that would be prejudicial to highway safety.

The application states that the first 55m of the track have sufficient width for 2 cars to pass (no reference is made to larger vehicles). The next 60m of the lane is single width

with no consolidated surface and has no passing places and no clear line of site between the start and finish. The final section is 137m long with no passing places however it does have a clear line of site from start to finish.

Objections have been received with regards to the access track and the lack of consolidated material and the previous history of the lane flooding. The applicants have said that as they currently regularly access the site they do not believe that there will be a significant intensification of vehicles using the access track. No reference or quantification has been submitted with regards to the consideration of the additional vehicle movements associated with a domestic property that are not necessarily undertaken by the residents such as delivery vehicles.

The proposal includes the provision of 2 parking spaces. SCC Parking Standards requires 3 parking spaces for a 3-bedroom dwelling in this location. In addition, the proposal includes turning space, in accordance with Standing Advice, to allow vehicles to enter and leave the site in forward gear.

No details have been submitted with regards to the proposed layout of the parking area or the turning area which the applicant has stated they plan to provide. If the application was otherwise considered acceptable, conditions could be imposed to secure sufficient parking and turning, including EV charging details, by conditions.

Given the fallback of the existing situation and potential for conditions, the means of access and parking arrangements are considered acceptable and to maintain highway safety standards. However due to its remoteness, without adequate justification, the site is considered unsustainable and would foster a growth in the need to travel by car contrary to policy DP9 of the adopted Local Plan Part 1 (2014).

Trees:

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Development Policies 1 and 4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Drainage:

The NPPF, paragraph 167, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

Development Policy 8 (DP8) states that *“all development proposals should minimise, and where possible reduce all emissions and other forms of pollution”*. Point 1 of DP8 states *“Development (either cumulatively or individually) will be required to demonstrate that it*

does not give rise to unacceptable adverse environmental impacts on [amongst other things]

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”.*

Development Policy 23 (DP23) states that *“all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)”.*

Due to known issues with local ground conditions the drainage engineer asked for site specific calculations to be undertaken and an assessment of the proposal for surface water run off to be submitted. Both of these have been undertaken and submitted. No further comments have been received from the drainage engineer. From the information now submitted it appears that a suitable drainage system can be designed and installed within the site.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

No details have been provided with regards to the proposed location for storage of waste or recycling on the site. Although it is clear that there is sufficient space, concerns have been raised by neighbours with regards to the proposed location of the refuse / waste collection point being outside of the ownership and therefore control of the applicants. From comments received it would appear that the proposed collection point for waste and recycling is within private ownership and would therefore not be acceptable.

If the application was recommended for approval such details and arrangements would need to be submitted to and agreed by the Council in consultation with Somerset Waste Partnership.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion/ Planning Balance:

The proposal has been submitted as a self build application requiring consideration under DP24. The application fails to meet the criteria of this policy, as explained within the report above. Accordingly it does not represent an exception to the Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2. As a single dwelling in an isolated location it fails policies CP1 and CP2.

The Council cannot currently demonstrate a 5-year supply of deliverable housing sites so, in these circumstances, Paragraph 11 of the NPPF applies in that there is a presumption in favour of sustainable development and that therefore 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.

In this case there would be some benefit from the proposals by adding a single dwelling house to the housing supply. There would also be some economic and social benefits arising from the construction of the dwelling as well as economic benefit derived from the future occupants for the wider area as well as revenue for the Council.

Conversely, the provision of a dwelling on this site, isolated from the nearest village would foster a growth in the need to travel by private car, thus leading to an unsustainable development. As the design and scale fails to reflect the local character and policy requirements, the proposal would fail to contribute positively to the maintenance and enhancement of local identity and distinctiveness and result in unjustified encroachment into the open countryside that would have a significant harmful impact on the rural character of the area and wider landscape. The proposal is therefore considered to be contrary to Policy DP1, DP4 and DP7 in addition to CP1, CP2 and DP24 of the Local Plan and the NPPF.

These are considered to be significant and demonstrable harms that outweigh the comparatively limited benefit arising from the supply of just one dwelling.

Recommendation

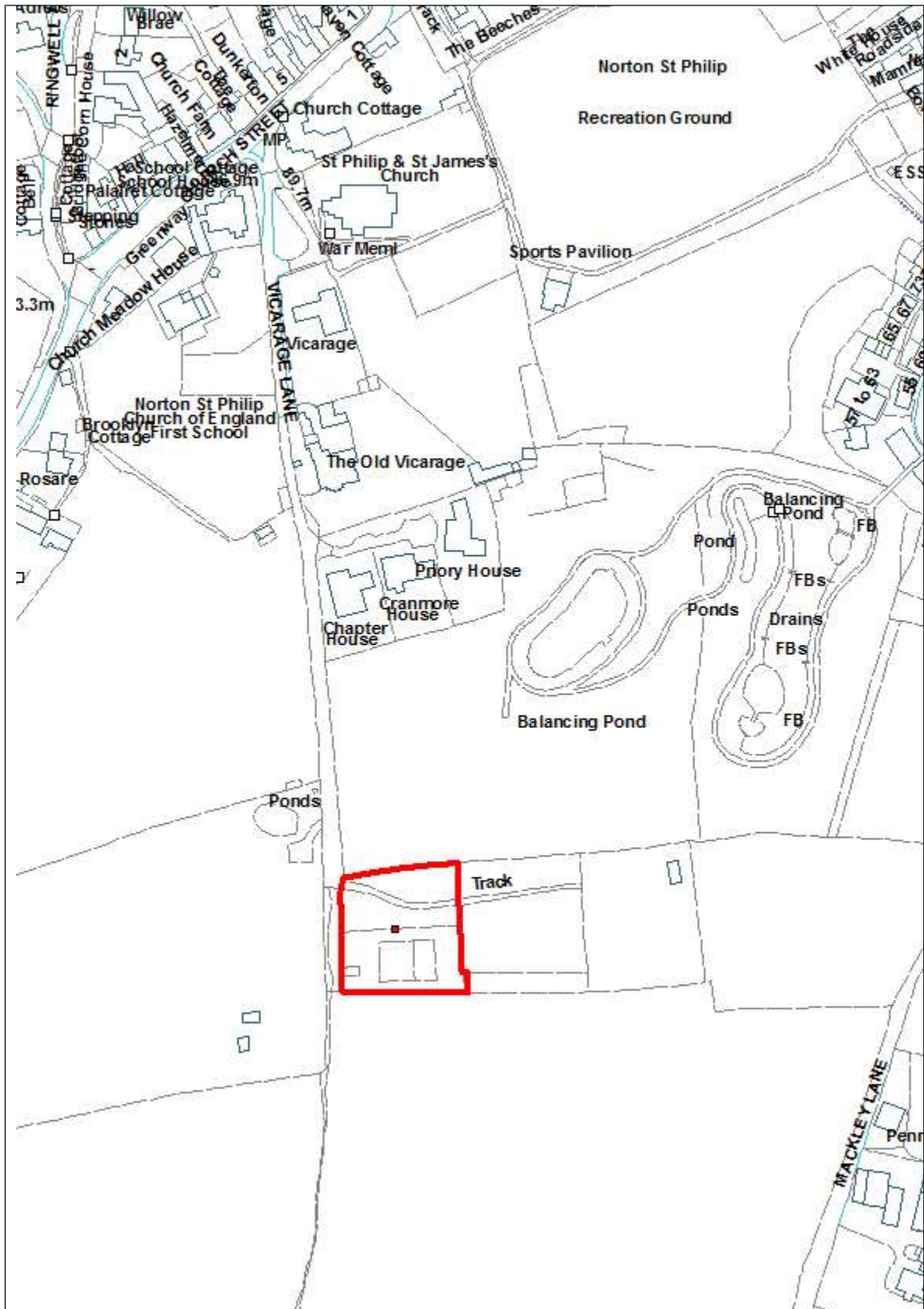
Refusal

1. The proposal has been submitted as a self-build application requiring consideration under DP24, yet the application fails to meet the criteria of this policy as the site is not part of, or adjacent to the nearest recognisable settlement; the scale of the development (gross internal floor space and plot area) exceeds the limitations set out in the policy and the design is not in harmony with the character of the area, or of a suitable design which is appropriate to its location. Accordingly, the proposal would result in an isolated rural dwelling in the countryside where development is strictly controlled and does not represent an exception to the Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2. It would therefore lead to unjustified encroachment into the countryside and represent unsustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities, thus fostering a growth in the need to travel by private vehicle. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); DP24 (Single-plot Exception Sites for Self and Custom-Build) of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapters 5 and 9, and National Planning Practice Guidance.
2. The design and scale of the development fails to reflect the character of the area and thus fails to contribute positively to the maintenance and enhancement of local identity and distinctiveness. Together with the concerns with the siting in an isolated location and failure to meet the tests in terms of the principle of development, it would result in unjustified encroachment into the open countryside that would have a significant harmful impact on the rural character of the area and wider landscape. The proposal is therefore considered to be contrary to the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapter 12, and National Planning Practice Guidance.

Informatives

1. This decision relates to drawings:
TQRQM22209134956639 - Existing Site Plan
TQRQM22164154413381 - Location Plan
TQRQM22209134956639 - Proposed Site Plan
Elevations

GENERAL ARRANGEMENT
ROOF DRAWINGS



Planning Board Report 4th June 2024
Land At The Orchard
Vicarage Lane
Norton St Philip
Bath
Somerset

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Application Number	2023/1879/FUL
Case Officer	Carlton Langford
Site	17 Bath Street Frome Somerset BA11 1DN
Date Validated	10 October 2023
Applicant/ Organisation	BKW Property
Application Type	Full Application
Proposal	Convert from Office to 5no. dwellings - flats.
Division	Frome West Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

Referral to Ward Member/Chair and Vice Chair:

This application has been referred as the case officer's recommendation to approve differs from that of the Town Council.

Description of Site, Proposal and Constraints:

This application relates to 17 Bath Street a Grade II Listed Building situated within the Frome conservation area and Frome development limits. The site is also located within an Area of high Archaeological Potential, a Bat consultation zone and town Centre Boundary.

This application seeks full planning permission for the conversion of the building from offices to 5no. dwellings (flats). The premises is currently vacant.

The scheme has been amended to take into consideration conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation.

Relevant History:

No relevant Planning History.

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

Ward Member: No response

Town Council: object to the proposal in its current form. While we are aware of the current need for flats close to the town centre we feel that this proposal does not adequately meet that need. Firstly, concerns have been raised over the lack of fire escape/suitable fire escape windows in Flat 5. The bin store/cycle storage does not seem large enough for (potentially) 5 or more bicycles as well as waste storage. We also feel that it will be inconvenient for all flats, apart from Flat 2, to access the store which may lead to waste and cycles being stored incorrectly in corridors or on the pavement outside - which will in turn lead to issues with the pavement becoming cluttered and difficult to navigate. The proposed flats do not meet Somerset Parking standards. Ordinarily, this would be less of an issue in a Town Centre location, however, as the previous point mentions there is also a lack of suitable cycle storage which limits residents to only accessing services within walking distance. We are also concerned about the location; as the building backs onto the beer garden of The Old Bath Arms, as well as being close to other restaurants and bars on Palmer Street, we are concerned about the potential impact of noise on future residents. We are further concerned that future residents may complain about noise impact, putting pressure on these businesses. There is also a lack of privacy and potential over looking as the windows on the Palmer Street Elevation will face into the flats above Castello on the other side of Palmer Street. The internal layout is convoluted and awkward. This has led to the need for conservation rooflights and dormer windows on the Bath Street Elevation. This is a prominent grade listed building with a positive frontage on Bath Street. As such the impact of any alterations to the exterior should be carefully considered, and we strongly feel that these alterations would detract from the positive entrance to the town. Finally, the building is currently in office use, providing both business and community use. While it is outside of the current Town Centre boundary, it would be considered a loss of commercial space and as such an application for change of use and a viability appraisal should have been submitted with the application.

Planning Policy:

This proposal is for a conversion within the Frome development limit so is in accordance with Policies CP1, CP2 and CP6. However, there are a number of concerns:

- The site is in the Frome Conservation Area and is Grade II listed so advice would need to be taken from a Conservation Officer.
- The property is within an AHAP so appropriate action may need to be taken.
- The site falls within the Mells Valley Bat Consultation Zone (Band B) so will require a 'test of significance' under the Habitats Regulations to be carried out.
- There are concerns regarding the design of the scheme, particularly in relation to outdoor space and the bin/cycle store.
- There are concerns regarding the absence of any car parking and no Travel Plan has been submitted to justify a deviation from countywide standards.
- Consideration would need to be given to the Marketing and Business Evidence SPD to demonstrate that the existing office use is no longer viable.

Conservation Officer: No objections in principle, the change of use is welcomed, and will secure the building's long term viability. There are however concerns relating to the excessive number of additional openings within the roof, 3 different sized dormers and 6 roof lights. There also concerns regarding the lack of detail regarding mechanical extracts.

County Archaeologist: No objections.

Highways Development Officer: Standing Advice

Somerset Waste: Somerset Council Waste Services would have concerns over the space and access for the proposed bin area on the ground floor. There does not appear to be sufficient space for 5 bins, sets of recycling containers and potentially 5 cycles in the storage area and for ease of movement within the storage area. This is likely to result in cycle owners using the area as secure storage for the cycles and the bins being left out on the street 24/7 which is an obstruction of the Highway, particularly important in a town centre and in front of a listed building as it can encourage littering and fly-tipping if left out. Moreover, the area is accessed by steps leading to the main door. We would not recommend taking bins up/down steps.

Frome Civic Society: Frome Civic Society objects to the conversion in its present form. The space for the storage of bins and bicycles for five apartments is completely

inadequate. The storage in its present position is set up from street level by a substantial flight of steps and this is likely to result in bins being frequently left out on the pavement, creating an eyesore on a principal street in the heart of the conservation area. This aspect needs to be completely re-thought. We have concerns about the planning and fire safety of Flat 5 in the attic. Bedroom 2 is not a room, as no door is shown, so is open to the kitchen, providing no fire separation and no alternative means of escape from the top floor. In general, the layout of the rooms looks contorted and cramped with partitioning breaking up the existing spaces into awkward room shapes to maximise occupancy. There is an inconsistency between the loft plans and the roof section and the elevation in the that former propose rooflights and the latter dormer windows. This needs to be clarified but neither form of fenestration should be introduced to the front façade of the listed building.

Local Representations: None 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)
- Frome Neighbourhood Plan (2016)

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

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP3 – Employment
- CP6 – Frome Town Strategy
- DP1 – Local Identity and distinctiveness

- DP3 - Heritage Conservation
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP10 – Parking
- DP20 – Reuse of employment sites
- DP21 – Managing town Centre Uses

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- POLICY H1 - BUILDING A BALANCED COMMUNITY

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
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

The application site is situated within the development limits of Frome where there is a presumption in favour of development which included residential conversions.

The site is however within the Frome Town Centre where town centre employment uses are safeguarded under policy DP21. To this end, the premises is neither within a primary retail frontage nor a secondary frontage where stricter employment safeguarding controls are imposed but rather within the primary shopping area which encourages a mix of uses to include elements of retail, leisure, office, residential, cultural or any other use which might attract trade or activity in the wider town centre. As a proposed residential use, it therefore complies with Policy DP21 in attracting trade to the town centre.

Policy DP20 seeks to ensure the reuse of employment sites falling under Classes 'B' of the Use Class Order (Classes B1, B2 and B8). The last known use of the premises was a B1 Office use operated by St John's Ambulance. The policy suggests that for the reuse of such a premises, it will be expected that any scheme deliver comparable employment generation and not prejudice the Council's wider employment land strategy. Whilst it is unlikely that the loss of the employment use would prejudice the Council's wider employment strategy, the scheme will not deliver comparable employment generation and to this end does not strictly comply with Policy DP20 of the Local Plan. However, the policy goes on to suggest that in determining such a proposal, the Council will balance the application of this policy against the need to secure wider regeneration objectives in the area and environmental impacts.

The premises was vacated by St John's who decided to move because of the access stairs to both entrances creating difficulties. It is understood that the premises was marketed towards the latter half of 2022 with little interest and remained unsold following an auction in December 2022. Further marketing was carried out at a reduced guide price and the applicant purchased the property in July 2023 against no competing offers with the option of seeking alternative uses, as being applied for.

The marketing carried out provides the Council with some understanding of the current commercial premises market within the area and it is clear that the need for office accommodation within the area has significantly diminished with the advent of hybrid working i.e. hot-desking and more employees working from home on a permanent basis, before and since the pandemic.

Other material considerations to consider are –

The shortfall of housing stock with the Council failing to demonstrate a 5-year housing supply and the shortfall of smaller 1 and 2 bed units coming forward on larger development sites in the Frome area.

The Listed Building having under previous uses, having fallen further into disrepair with the change of use recognised by the Conservation Officer as a means to securing the building's long-term viability.

The building having poor access arrangement for a commercial premises and, the constrained internal layout of the building(s) together with not having a 'shop' frontages, means that it does not lend itself to other town centre uses such as retail or leisure.

Taking all these factors into consideration, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle subject to the usual planning controls of design, amenity, highway safety and impact on the heritage assets.

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

The proposed change of use will have very little impact on the overall character or appearance of the building within the street scene. Whilst the principal roof slope fronting Bath Street will be interrupted with the insertion of 3 small dormer windows, they will be sympathetic to the architecture of the host property and a roof addition not uncommon on other buildings within the street. The rear roof slope will be interrupted with 3 small conservation rooflights, again not uncommon within period buildings in the area. All other elevations to remain unchanged.

Whilst concerns have been made to the convoluted room arrangements, this is brought about in the interests of safeguarding the integrity of the Listed Building i.e. minimising breaches in existing walls and relying on existing openings etc.

Overall scheme will have very little impact on the character or appearance of the building within the street scene and the character of the wider conservation area will be maintained, all in accordance with Policies DP1, DP3 and DP7 of the LP.

Impact on the Listed Building:

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 201 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 200-210 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.

17 Bath Street is a Grade II Listed Building located along the main thorough fare in the historic heart of Frome. It is located within the Frome Conservation area within Character Area One, The Historic Core.

The site consists of two buildings, both of which have gone through significant changes, the ground floors remain separate but wrap around each other and the first floors are internally linked. Archival evidence has traced the building back to 1713 and it shows that the site has been used for various purposes, including, shops, workshops, and as part of a pub. During the 1930s the building went through extensive alterations, to form the current layout, as it was to be used as a Tax, Customs and Excise Office. This also included the replacement of the roof structure where it was rebuilt as one single hipped roof across both of the properties. Despite much of the historic fabric and historic floor plan being lost, the building does make a positive contribution to the character of the Street scene and the wider Conservation Area.

The principle of the application is welcomed, as the building is currently empty and this proposal will ensure a long-term viable use for it. It is clear that there is very little, if any, internal historic fabric that has survived the alterations. Despite this, the principle is welcomed that as much existing fabric is being retained and refurbished where possible. The retention of the windows to be refurbished is welcomed, although likely not to be original, some are much older than others and they do make a positive contribution to the character of the building. They should be finished in an off-white colour, with an egg-shell or satin finish. This is to emulate the led paint which was used historically.

There are concerns, however, about the alterations to the roof structure and the excessive number of additional openings, 3 different sized dormers and 6 roof lights.

These additions will have a negative impact to the significance of the Listed Building. I appreciate for this space to function as residential, some changes will be needed which will require new openings within the roof space. Following the site visit and the information included within the application, it is clear the current roof structure is a modern addition, and their introduction will not result in the loss of any significant historic fabric. The two roof lights on the gable ends should be omitted, they will be clearly visible from the street frontage and will have a negative impact to the significance of the Listed Building. The proposed roof plans show the dormers being different sizes, they should be all the same size, it is hard to fully comment on the suitability of them, without the full details being provided. The Design and Access Statement states they will be 'traditional flat roof led dormers', but no further details have been provided. The three dormers and the five roof lights to the rear are excessive, if the dormers are removed from the application, the introduction of the five rear roof lights will be supported. If the dormers are introduced, the number of roof lights should be reduced to three. This will still allow for this space to become residential, without negatively impacting the significance of the Listed building. If the dormers are to be retained, please provide further details of them, including methods of attachment and joinery details for the windows.

Further details of the mechanical extracts are also required, the Design and Access Statement states that 'new extracts through the walls and roof will be installed and will be finished using a traditional grill' but no further information is provided. Please provide details of the proposed grill and the placement of them to be able to assess the impact to the significance of the Listed Building.

The scheme has been amended to take into consideration all the above conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation grills which will all be located on the rear elevation.

Having regard to the above, no material harm to the designated heritage asset has 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 proposed new residential use together with the proposed internal layout raises no new amenity concerns over or above those which already exist between neighbouring properties.

Whilst the property is located near to potential noise generating developments, this is not unexpected for a town centre location and the area boasts numerous other residential schemes located near or adjacent to potential noise generating development many of which are leisure uses with have restricted operating hours.

The layout of the scheme is such that the majority of habitable rooms do not share a boundary with a potential noise generating use save one bedroom within flat 3 and this merely overlooks an outside storage area for a neighbouring leisure use.

The proposal will ensure the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants in accordance with Policy DP7 of the LP.

Impact on Ecology:

The site has no ecological value and being within the town centre little scope for any practical ecological enhancements. The site is located within the Mells Valley Bat Consultation Zone and notwithstanding the applicant suggesting that there are no protected species (bats) roosting on site, it will be necessary to remind the applicant that before commencing any works on site, that, under the provisions of the Wildlife & Countryside Act of 1981, it should also be noted that bats and their habitats are protected by law and if bats are found to be present in the building, works should immediately cease until specialist advice has been obtained from Natural England.

Assessment of Highway Issues:

The Countywide Parking Strategy suggests that car parking standards set out here are optimum standards; the level of parking they specify should be provided unless specific local circumstances can justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision.

The scheme will be a car free development as is its current use as offices. Located within the town centre and within walking distance of several formal car parks operated by the Council and other services and facilities, it is not considered that vehicle parking is strictly necessary nor that the proposal will result in increase on-street parking in the area which might raise highway safety concerns over the wider transport network.

There is space within the ground floor flats to accommodate cycles and a dedicated bin/cycle storage area for the 3 flats above to store cycles.

Whilst this cannot be described as an ideal solution, the adaptability of the building being constrained by it being a Listed Building and having regard for the current office use providing no parking for vehicles or cycles which might accord with the Countywide Parking Strategy, the proposal is considered sufficient to meet with the operational needs of the development in accordance with Policy DP10 of the LP.

Refuse Collection:

The Somerset Waste Partnership would require space within the building to accommodate the necessary 5 x recycle bins and 5 x 140L waste bins (1 set per flat).

The building has space to store the necessary waste containers which accords with policy DP7 of the LP and the guidance provided within the Somerset Waste Core Strategy.

To overcome concerns raised by Somerset Waste, it will be necessary to impose a condition which ensures that no bins or waste are left outside the building other than on bin collections days. All waste and recycle bins to be stored within the approved bin storage area.

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.

Other matters:

Concerns have been raised over fire safety for the attic flat. This is a matter controlled under Building Regulations and should it prove that additional fire escapes are necessary, this matter will need to be considered through the submission of a new application for both Planning Permission and Listed Building Consent.

Conclusion and Planning Balance:

Having regard for the above assessment, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle.

The assessment concludes that the proposal raises no adverse design, amenity nor highway safety issues and safeguards and more importantly, secures the listed building's long-term viability. The development is therefore, recommended for approval.

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:

AH2023/42 SHEET 1, 2, 3 Rev B, 4 Rev B, 5, 6, 7 rev B, 8, Roof Plan Rev B, Joinery Details (AH2023/42 SHEET 4 Rev B), Flat Roof Dormer Details, Mechanical Ventilation Grille and Soil Vent.

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

3. **Supervision of Works - Protected Species (Compliance)**

Notwithstanding the details submitted any works potentially affecting bats shall proceed under the supervision of the licensed bat ecologist.

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

4. **Sample Panel - Roofing (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials include dormer windows 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 Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Materials (Compliance)**

The development hereby approved shall be carried out using the joinery details and grille and soil vents details as specified on the application plans and submitted 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).

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

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

Notwithstanding the details submitted, no occupation of the flats hereby approved shall commence until details of a scheme for sufficient safe on site storage of waste and recycling facilities to service the development has been submitted to and approved in writing by the Local Planning Authority to ensure that no detriment to amenity arises from the accumulation of waste, smell, flies or vermin and shall thereafter be maintained for the life of the approved development. All waste and recycling containers shall be stored within the building except on the day of collection.

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).

8. **Provision for the storage of Cycles (Pre-occupation)**

The development hereby approved shall not be occupied until provision for the storage of cycles 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) and the Somerset Parking Strategy (2013).

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

The commencement of any development works shall not proceed unless the applicant has appointed a suitably qualified acoustics consultant with a remit to examine the premises and land and assess noise and vibration impacts to the residential properties(flats) and make appropriate recommendations for mitigating noise and vibration impacts. A report, detailing all measurements taken and results obtained, together with any sound reduction scheme and the calculations and reasoning upon which any scheme is based shall be submitted to and approved in writing by the Local Planning Authority.

Reference shall be made to any relevant guidance and Codes of Practice including BS 8233:2014 and the Professional Practice Guidance (ProPG) Planning and Noise-New Residential Development and BS4142:2014. Any approved scheme shall be implemented and maintained as part of the development.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any mitigation works may require Listed Building Consent.

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.

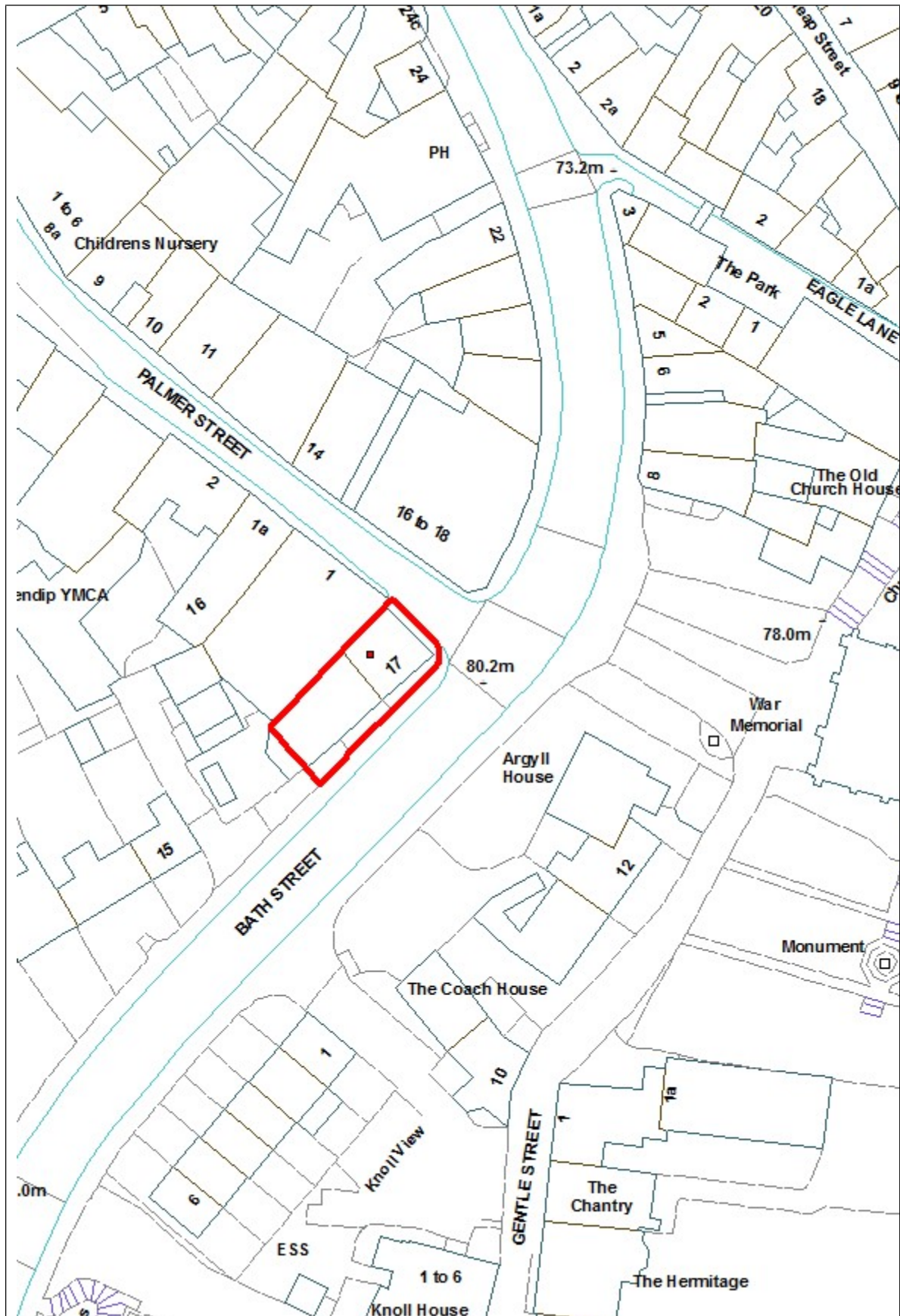
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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. Before commencing any works on site, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present on site works should immediately cease until specialist advice has been obtained from Natural England.

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. Please refer to the Councils Noise Guidance for Developers below as the minimum required standard to determine the noise environment of the proposed development. <https://www.sedgemoor.gov.uk/article/2413/Noise-Guidance-for-Developers-and-Pre-Planning-Application-Advice>

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Planning Board Report 4th June 2024
17 Bath Street
Frome
Somerset
BA11 1DN

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Application Number	2023/1880/LBC
Case Officer	Carlton Langford
Site	17 Bath Street Frome Somerset BA11 1DN
Date Validated	10 October 2023
Applicant/ Organisation	BKW Property
Application Type	Listed Building Consent
Proposal	Convert from Office to 5no. dwellings - flats.
Division	Frome West Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

Referral to Ward Member/Chair and Vice Chair:

This application has been referred as the case officer's recommendation to approve differs from that of the Town Council.

Description of Site, Proposal and Constraints:

This application relates to 17 Bath Street a Grade II Listed Building situated within the Frome conservation area and Frome development limits. The site is also located within an Area of high Archaeological Potential, a Bat consultation zone and town Centre Boundary.

This application seeks Listed Building Consent for the conversion of the building from offices to 5no. dwellings (flats). The premises is currently vacant.

The scheme has been amended to take into consideration conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation.

Relevant History:

No relevant Planning History.

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

Ward Member: No response

Town Council: object to the proposal in its current form. While we are aware of the current need for flats close to the town centre we feel that this proposal does not adequately meet that need. Firstly, concerns have been raised over the lack of fire escape/suitable fire escape windows in Flat 5. The bin store/cycle storage does not seem large enough for (potentially) 5 or more bicycles as well as waste storage. We also feel that it will be inconvenient for all flats, apart from Flat 2, to access the store which may lead to waste and cycles being stored incorrectly in corridors or on the pavement outside - which will in turn lead to issues with the pavement becoming cluttered and difficult to navigate. The proposed flats do not meet Somerset Parking standards. Ordinarily, this would be less of an issue in a Town Centre location, however, as the previous point mentions there is also a lack of suitable cycle storage which limits residents to only accessing services within walking distance. We are also concerned about the location; as the building backs onto the beer garden of The Old Bath Arms, as well as being close to other restaurants and bars on Palmer Street, we are concerned about the potential impact of noise on future residents. We are further concerned that future residents may complain about noise impact, putting pressure on these businesses. There is also a lack of privacy and potential over looking as the windows on the Palmer Street Elevation will face into the flats above Castello on the other side of Palmer Street. The internal layout is convoluted and awkward. This has led to the need for conservation rooflights and dormer windows on the Bath Street Elevation. This is a prominent grade listed building with a positive frontage on Bath Street. As such the impact of any alterations to the exterior should be carefully considered, and we strongly feel that these alterations would detract from the positive entrance to the town. Finally, the building is currently in office use, providing both business and community use. While it is outside of the current Town Centre boundary, it would be considered a loss of commercial space and as such an application for change of use and a viability appraisal should have been submitted with the application.

Planning Policy:

This proposal is for a conversion within the Frome development limit so is in accordance with Policies CP1, CP2 and CP6. However, there are a number of concerns:

- The site is in the Frome Conservation Area and is Grade II listed so advice would need to be taken from a Conservation Officer.
- The property is within an AHAP so appropriate action may need to be taken.
- The site falls within the Mells Valley Bat Consultation Zone (Band B) so will require a 'test of significance' under the Habitats Regulations to be carried out.

- There are concerns regarding the design of the scheme, particularly in relation to outdoor space and the bin/cycle store.
- There are concerns regarding the absence of any car parking and no Travel Plan has been submitted to justify a deviation from countywide standards.
- Consideration would need to be given to the Marketing and Business Evidence SPD to demonstrate that the existing office use is no longer viable.

Conservation Officer: No objections in principle, the change of use is welcomed, and will secure the building's long term viability. There are however concerns relating to the excessive number of additional openings within the roof, 3 different sized dormers and 6 roof lights. There also concerns regarding the lack of detail regarding mechanical extracts.

County Archaeologist: No objections.

Highways Development Officer: Standing Advice

Somerset Waste: Somerset Council Waste Services would have concerns over the space and access for the proposed bin area on the ground floor. There does not appear to be sufficient space for 5 bins, sets of recycling containers and potentially 5 cycles in the storage area and for ease of movement within the storage area. This is likely to result in cycle owners using the area as secure storage for the cycles and the bins being left out on the street 24/7 which is an obstruction of the Highway, particularly important in a town centre and in front of a listed building as it can encourage littering and fly-tipping if left out. Moreover, the area is accessed by steps leading to the main door. We would not recommend taking bins up/down steps.

Frome Civic Society: Frome Civic Society objects to the conversion in its present form. The space for the storage of bins and bicycles for five apartments is completely inadequate. The storage in its present position is set up from street level by a substantial flight of steps and this is likely to result in bins being frequently left out on the pavement, creating an eyesore on a principal street in the heart of the conservation area. This aspect needs to be completely re-thought. We have concerns about the planning and fire safety of Flat 5 in the attic. Bedroom 2 is not a room, as no door is shown, so is open to the kitchen, providing no fire separation and no alternative means of escape from the top floor. In general, the layout of the rooms looks contorted and cramped with partitioning breaking up the existing spaces into awkward room shapes to maximise occupancy. There is an inconsistency between the loft plans and the roof section and the elevation in the that former propose rooflights and the latter dormer windows. This needs to be clarified but neither form of fenestration should be introduced to the front façade of the listed building.

Local Representations: None 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)
- Frome Neighbourhood Plan (2016)

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

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP3 – Employment
- CP6 – Frome Town Strategy
- DP3 - Heritage Conservation

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- POLICY H1 - BUILDING A BALANCED COMMUNITY

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
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

The application site is situated within the development limits of Frome where there is a presumption in favour of development which included residential conversions.

The site is however within the Frome Town Centre where town centre employment uses are safeguarded under policy DP21. To this end, the premises is neither within a primary retail frontage nor a secondary frontage where stricter employment safeguarding controls are imposed but rather within the primary shopping area which encourages a mix of uses to include elements of retail, leisure, office, residential, cultural or any other use which might attract trade or activity in the wider town centre. As a proposed residential use, it therefore complies with Policy DP21 in attracting trade to the town centre.

Policy DP20 seeks to ensure the reuse of employment sites falling under Classes 'B' of the Use Class Order (Classes B1, B2 and B8). The last known use of the premises was a B1 Office use operated by St John's Ambulance. The policy suggests that for the reuse of such a premises, it will be expected that any scheme deliver comparable employment generation and not prejudice the Council's wider employment land strategy. Whilst it is unlikely that the loss of the employment use would prejudice the Council's wider employment strategy, the scheme will not deliver comparable employment generation and to this end does not strictly comply with Policy DP20 of the Local Plan. However, the policy goes on to suggest that in determining such a proposal, the Council will balance the application of this policy against the need to secure wider regeneration objectives in the area and environmental impacts.

The premises was vacated by St John's who decided to move because of the access stairs to both entrances creating difficulties. It is understood that the premises was marketed towards the latter half of 2022 with little interest and remained unsold following an auction in December 2022. Further marketing was carried out at a reduced guide price and the applicant purchased the property in July 2023 against no competing offers with the option of seeking alternative uses, as being applied for.

The marketing carried out provides the Council with some understanding of the current commercial premises market within the area and it is clear that the need for office accommodation within the area has significantly diminished with the advent of hybrid working i.e. hotdesking and more employees working from home on a permanent basis, before and since the pandemic.

Other material considerations to consider in favour of the proposal are –

The shortfall of housing stock with the Council failing to demonstrate a 5-year housing supply and the shortfall of smaller 1 and 2 bed units coming forward on larger development sites in the Frome area.

The Listed Building having under previous uses, having fallen further into disrepair with the change of use recognised by the Conservation Officer as a means to securing the building's long-term viability.

The building having poor access arrangement for a commercial premises and, the constrained internal layout of the building(s) together with not having a 'shop' frontages, means that it does not lend itself to other town centre uses such as retail or leisure.

Taking all these factors into consideration, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle subject to the usual planning controls of design, amenity, highway safety and impact on the heritage assets.

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

The proposed change of use will have very little impact on the overall character or appearance of the building within the street scene. Whilst the principal roof slope fronting Bath Street will be interrupted with the insertion of 3 small dormer windows, they will be sympathetic to the architecture of the host property and a roof addition not uncommon on other buildings within the street. The rear roof slope will be interrupted with 3 small conservation rooflights, again not uncommon within period buildings in the area. All other elevations to remain unchanged.

Whilst concerns have been made to the convoluted room arrangements, this is brought about in the interests of safeguarding the integrity of the Listed Building i.e. minimising breaches in existing walls and relying on existing openings etc.

He overall scheme will have very little impact on the character or appearance of the building within the street scene and the character of the wider conservation area will be maintained, all in accordance with Policies DP1, DP3 and DP7 of the LP.

Impact on the Listed Building:

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 201 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 200-210 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.

17 Bath Street is a Grade II Listed Building located along the main thorough fare in the historic heart of Frome. It is located within the Frome Conservation area within Character Area One, The Historic Core.

The site consists of two buildings, both of which have gone through significant changes, the ground floors remain separate but wrap around each other and the first floors are internally linked. Archival evidence has traced the building back to 1713 and it shows that the site has been used for various purposes, including, shops, workshops, and as part of a pub. During the 1930s the building went through extensive alterations, to form the current layout, as it was to be used as a Tax, Customs and Excise Office. This also included the replacement of the roof structure where it was rebuilt as one single hipped roof across both of the properties. Despite much of the historic fabric and historic floor plan being lost, the building does make a positive contribution to the character of the Street scene and the wider Conservation Area.

The principle of the application is welcomed, as the building is currently empty and this proposal will ensure a long-term viable use for it. It is clear that there is very little, if any, internal historic fabric that has survived the alterations. Despite this, the principle is welcomed that as much existing fabric is being retained and refurbished where possible. The retention of the windows to be refurbished is welcomed, although likely not to be original, some are much older than others and they do make a positive contribution to the character of the building. They should be finished in an off-white colour, with an egg-shell or satin finish. This is to emulate the lead paint which was used historically.

There are concerns, however, about the alterations to the roof structure and the excessive number of additional openings, 3 different sized dormers and 6 roof lights. These additions will have a negative impact to the significance of the Listed Building. I appreciate for this space to function as residential, some changes will be needed which will require new openings within the roof space. Following the site visit and the information included within the application, it is clear the current roof structure is a modern addition,

and their introduction will not result in the loss of any significant historic fabric. The two roof lights on the gable ends should be omitted, they will be clearly visible from the street frontage and will have a negative impact to the significance of the Listed Building. The proposed roof plans show the dormers being different sizes, they should be all the same size, it is hard to fully comment on the suitability of them, without the full details being provided. The Design and Access Statement states they will be 'traditional flat roof led dormers', but no further details have been provided. The three dormers and the five roof lights to the rear are excessive, if the dormers are removed from the application, the introduction of the five rear roof lights will be supported. If the dormers are introduced, the number of roof lights should be reduced to three. This will still allow for this space to become residential, without negatively impacting the significance of the Listed building. If the dormers are to be retained, please provide further details of them, including methods of attachment and joinery details for the windows.

Further details of the mechanical extracts are also required, the Design and Access Statement states that 'new extracts through the walls and roof will be installed and will be finished using a traditional grill' but no further information is provided. Please provide details of the proposed grill and the placement of them to be able to assess the impact to the significance of the Listed Building.

The scheme has been amended to take into consideration all the above conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation grills which will all be located on the rear elevation.

Having regard to the above, no material harm to the designated heritage asset has 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.

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:

Having regard for the above assessment, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle.

The assessment concludes that no material harm to the designated heritage asset has 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.

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:
AH2023/42 SHEET 1, 2, 3 Rev B, 4 Rev B, 5, 6, 7 rev B, 8, Roof Plan Rev B, Joinery Details (AH2023/42 SHEET 4 Rev B), Flat Roof Dormer Details, Mechanical Ventilation Grille and Soil Vent.

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

3. Sample Panel - Roofing (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials include dormer windows 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 Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials (Compliance)**

The development hereby approved shall be carried out using the joinery details and grille and soil vents details as specified on the application plans and submitted 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).

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.

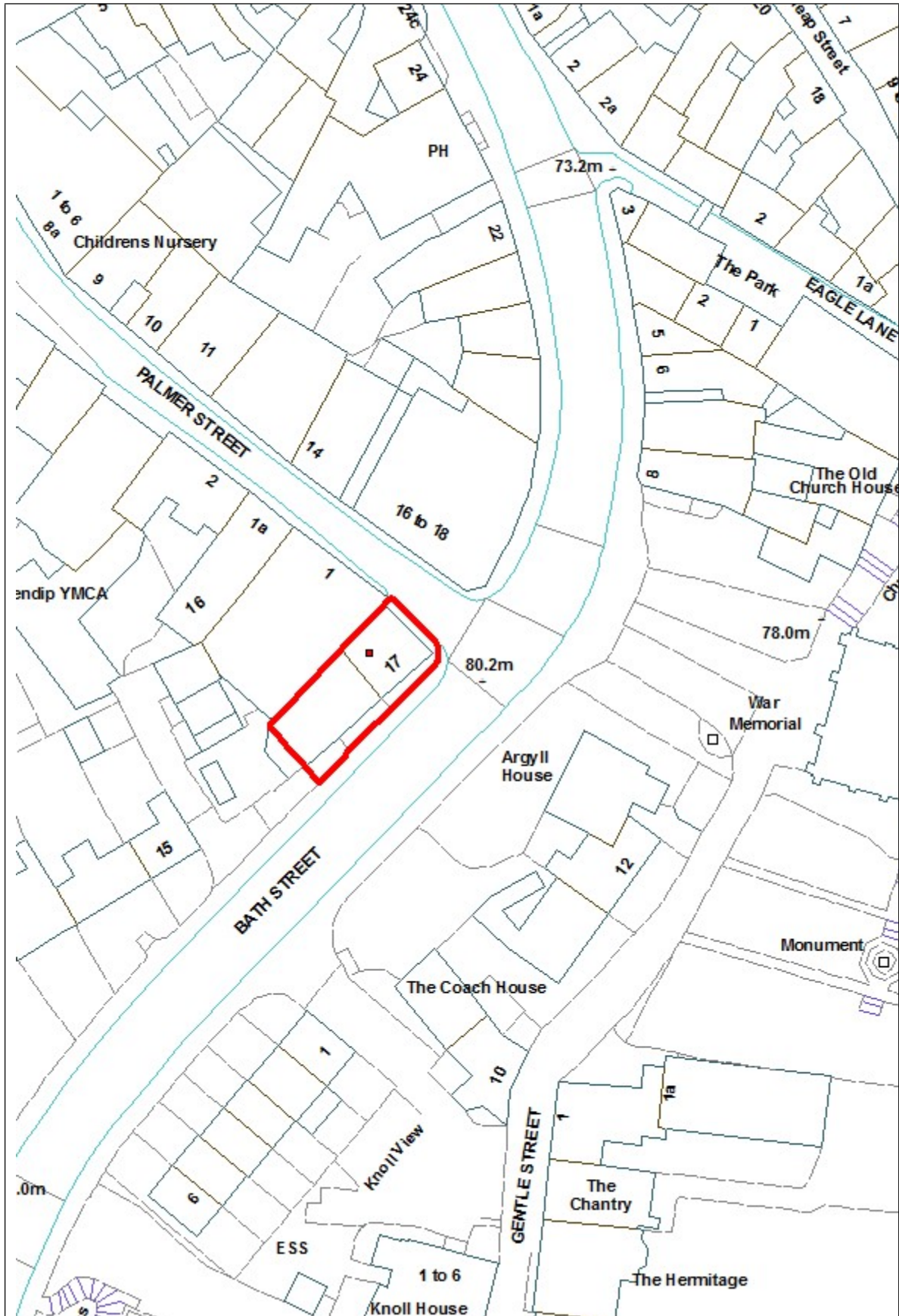
Please note all conditions should be read fully as these headings are intended as a guide only.

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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

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Planning Board Report 4th June 2024
17 Bath Street
Frome
Somerset
BA11 1DN

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Application Number	2023/2434/FUL
Case Officer	Carlton Langford
Site	Land At 362036 145587 Windsor Hill Lane Downside Shepton Mallet Somerset
Date Validated	30 January 2024
Applicant/ Organisation	Mr & Mrs Shortman
Application Type	Full Application
Proposal	Demolition of existing stables and construction of two storey dwelling and attached garage.
Division	Shepton Mallet Division (adj. Mendip Hills)
Parish	Shepton Mallet Town Council (adj. Ashwick Parish Council)
Recommendation	Refusal
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell Cllr Edric Hobbs Cllr Tony Robbins

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse and the Parish Council recommended that the application should be approved.

The Planning Committee Chair has asked for it to be presented at the Committee as the Parish Council has raised no objections to the application.

Description of Site, Proposal and Constraints:

This application relates to land off Windsor Hill Lane within the scattered settlement of Downside. The site currently support stables and is situated within the open countryside, within a Bat Consultation Zone, Source Protection Zone and within the Somerset Levels and Moors phosphate catchment.

This application seeks full planning permission for the demolition of the stables and for the erection of 1no. dwelling with attached garaging utilising the existing access.

Relevant History:

118141/000 – Erection of Stables approved 2005.

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

Ward Member: No response

Parish Council: Support.

Highways Development Officer: Standing advice

Somerset Wildlife Trust: No ecological objections.

Ecologist:

Natural England:

Local Representations: 1 letter of objection received raising the following summarised concerns –

- Drainage
- Unsympathetic design and appearance within the landscape and street scene
- Loss of privacy – Overlooking of neighbouring property to the south.

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 – Sustaining Rural Communities

- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

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 site is within the scattered small rural settlement of Downside. Downside is not a designated primary nor 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.

There are no day to day services or facilities within Downside. The site is outside of any defined Development Limit, with Downside not being either a Primary nor Secondary village (where there would be some level of services to support residential development), as defined by Core Policy 1 of the Mendip District Local Plan. Although the larger settlement of Septon Mallet is within a mile of the site, this is considered an excessive distance away that would mean future occupants of the proposed development would be unlikely to walk or cycle to access the shops and services available within the town, especially considering the lack of footpaths in the area.

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

All aspects of the proposed development 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 comprises a parcel land off Windsor Hill Lane which currently supports a small timber stable building. The stables are relatively inconspicuous within the street scene and wider rural landscape due to their single storey design and being largely screened by mature roadside hedgerow.

The development of the site comprises the erection of large two storey dwellinghouse with attached double garage of a suburban design and appearance.

The design and appearance of the dwelling together with its excessive scale, mass and bulk will be very conspicuous within the street scene and wider landscape eroding the rural character of the area contrary to the provisions of policies DP1, DP4 and DP7 of the Local Plan.

Whilst the applicant has suggested that the development might be sustainable in terms of its built form be a low carbon design with ecological benefits/enhancements, these are features expected of any new development and do not outweigh the harm as already described above in terms of the principal of development.

Impact on Residential Amenity:

Other than having a significantly harmful visual impact on the wider amenity of the area, the scheme is unlikely to raise any immediate neighbouring amenity concerns such as overlooking or overshadowing as to warrant the application's refusal.

The proposal accords with the provisions of Policy DP7 of the Local Plan.

Impact on Ecology:

Whilst no response has been received from the Ecologist, an ecological report was received with the application which confirms that there will be no foreseeable adverse impacts on a protected habitat, or a protected species and no further surveys need to be carried out before planning permission can be granted.

No mitigation or compensation measures are required. The proposed development provides an opportunity to achieve a biodiversity net gain; therefore, recommendations are given to achieve this in the report which could be conditioned.

Whilst the report suggests that biodiversity net gain can be achieved, this is a necessary requirement of all developments and not seen as a benefit which might outweigh any other harms arising from the proposal.

Regarding Phosphates, the Budget is calculated using the corrected calculator and methodology, and it totals 0.31 kgP/yr including 20% buffer.

Drainage field is proposed, which will flow downstream to an orchard and HalpinRobbins have utilised Biomass absorption figures into chosen above ground and fruit biomass figures which relate to the specific export co-efficients which are bespoke and deviate from the generalise broad-blanket figures outlined in the Somerset Budget Calculator. This strategy has been accepted numerous times and the basis of this design was brought forward originally by HalpinRobbins themselves.

The proposal accords with the provisions of Policies DP9 and DP10 of the Local Plan.

Assessment of Highway Issues:

The proposal will utilise the existing stables access which is considered sufficient and safe to serve the proposed development. The proposal also demonstrates adequate off-street parking provisions and turning all in accordance with Policies DP9 and DP10 of the Local Plan.

Refuse Collection:

Ample space within the curtilage of the dwelling for bin storage.

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 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 of 1 dwelling would make very little contribution to assisting the Council's shortage of housing land within the District as a whole. Whilst the proposal would have economic benefits for the duration of the construction phase, the proposal will bring very few ongoing economic or public benefits.

Having regard for the assessment above, the site is seen as being remote from any day to day facilities or services. The scheme would not promote the use of sustainable modes of transport and end users would be heavily reliant on a private motor vehicle. There would also be significant harm to the character and appearance of the area.

In terms of the planning balance, the harms as described carry a significant level of weight which demonstrably outweigh the very limited benefits of the proposal and the application is therefore recommendation of refusal.

Recommendation

Refusal

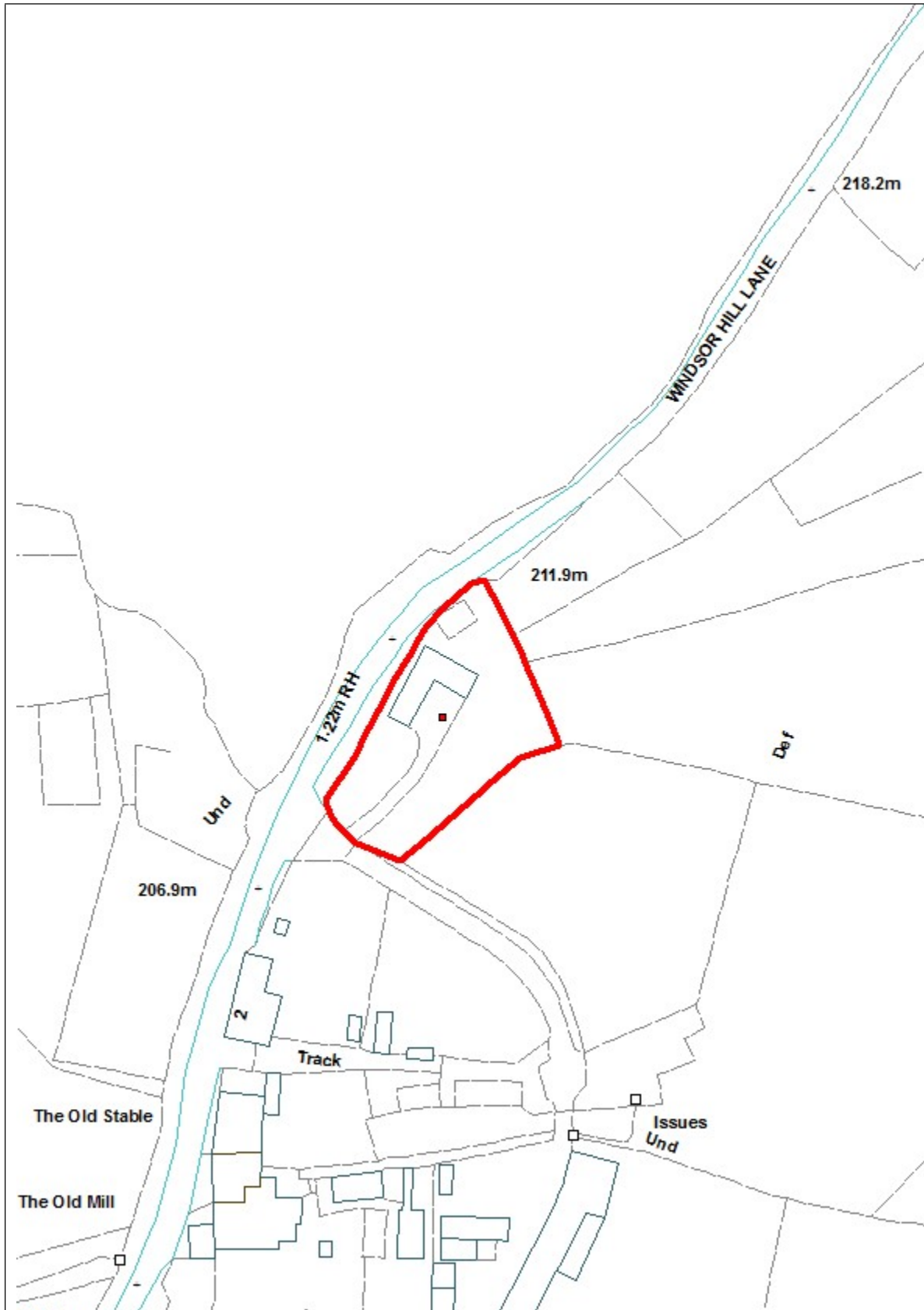
1. The site lies in the countryside where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and

poor accessibility and connectivity to local services and facilities and would foster growth in the need to travel by private vehicle. The proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. The limited benefits of bringing forward housing supply and the limited economic benefits for the wider community do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), in addition, Policies within the National Planning Policy Framework to include paragraphs 11 and 12 and Chapters 9 and 12 and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings - 01C, 02B, 03A, 04, 05A, 06A, 07, 08, 09 and 10.

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Planning Board Report 4th June 2024
 Land At 362036 145587
 Windsor Hill Lane
 Downside
 Shepton Mallet
 Somerset

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Application Number	2022/1028/FUL
Case Officer	Anna Clark
Site	Land Adjacent To Sunlea Fosse Way Kilmersdon Frome Somerset
Date Validated	27 June 2022
Applicant/	P Tranter
Organisation	
Application Type	Full Application
Proposal	Erection of dwelling and associated access
Division	Mendip Hills Division
Parish	Kilmersdon Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What three words: ///important.onto.stepping

Referral to Planning Board

This application is referred to Planning Board as the application is located outside of defined settlement limits and therefore is a departure from the Local Plan.

Description of Site, Proposal and Constraints:

The application relates to a plot of land located to the east of Sunlea, currently utilised as residential garden space associated with Sunlea. The site is surrounded by other residential properties and some sports facilities. The site is located off the A367 (Fosseway) close to the boundary of Midsomer Norton. The site is located outside of the development limits.

This application seeks planning permission for the erection of one dwelling with associated parking.

An application on the neighbouring land to the east of the application site has been granted planning permission for the erection of two houses but this permission is yet to be implemented (Local Planning Authority reference: 2021/1509/FUL).

Relevant History:

No relevant planning history has been found in relation to this site.

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

Ward Member: No comments received

Parish Council: Recommend approval – there were no objections because the plot size is sufficient for one dwelling, access if acceptable and it is well screened.

Highways Development Officer: No objection, subject to conditions

- Conditions sought to require a passing bay; the clearance of vegetation to restore the full width of the driveway and its consolidation for the first 5m back from the main road; and electric vehicle charging.

Local Representations: Two letters objecting to the proposed development and one letter of neither support nor objection has been received raising the following summarised points –

- Concerns in regard to the impact of the development on the neighbouring properties during the construction through dust and noise disturbance
- The cumulative impact of this development with the neighbouring approval 2021/1509/FUL
- Out of character within the surrounding area
- Concerns the development will block natural light to the neighbouring properties
- Highway safety concerns with the increase in vehicle movements (combined with the neighbouring approval and existing properties that use the track) and the associated increase in noise and pollution
- Single track access lane is not wide enough to comply with relevant policies
- Concerns vehicles will be reversing out onto the main road if meeting another vehicle
- Need for increase in pedestrian movements along the track to be recognised as the proposal will result in an increase in pedestrian movements alongside vehicles
- Concerns in regard to delivery vehicles accessing the site and the potential to block the access track as well as how these vehicles will manoeuvre to enter and exit the site in forward gear
- Concerns the access point into the application site is inadequate and plans do not accurately demonstrate the width of the access track
- Potential for overlooking of the neighbouring properties due to the orientation and location of the windows
- Concerns that the development may result in harm or the loss of existing hedgerow

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 District Local Plan Part II: Sites and Policies (December 2021) (Post JR version)

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
- DP1 – Local Identity and Distinctiveness
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP23 - Flood risk and Drainage

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

Assessment of relevant issues:

Principle of the Use:

The site is located in the countryside and as such 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 the 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) currently have reduced weight. 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 specific policies indicate that the development should be restricted.

Although the site is within a countryside location in policy terms, it is not considered to be an isolated site as it is located alongside a substantial number of residential properties within the immediate surroundings and on the outskirts of Midsomer Norton. Therefore, the site is not considered to be in a wholly unsustainable location, remote from services or facilities of which Midsomer Norton boasts numerous, including access to public transport.

Therefore, with the site not being isolated nor wholly unsustainable, the 'tilted balance' is applied, and planning permission should only be refused where there is a clear, relevant development plan policy which would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF. This will be addressed in the Planning Balance section of this report.

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

The site is not visible from the public highway due to its location and the positioning of the other residential properties surrounding the site. Whilst the development is outside of the defined development boundary, it is not considered that the development represents an encroachment into the open countryside. The site is seen in the context of the surrounding built development.

There is a mix of residential properties within the surrounding area in terms of size, scale, design, orientation and materials. The proposed development is one two-storey, 3-bedroom detached property with associated parking and residential garden space. The garden size is commensurate with the size of the dwelling. The development would not represent overdevelopment of the site.

The dwelling is proposed to be constructed of red brick, with a concrete tile roof and uPVC window and doors. The proposed materials are considered to reflect the character and appearance of the surrounding area.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with 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 dwelling has been positioned and orientated within the application site in a manner to reduce the impact the development has on the residential amenity of the future occupiers and the neighbouring properties.

The property is not proposed to have any windows at first floor level of the side elevations which face towards Sunlea and Magdapur (and the two approved dwellings on the land to the east that are yet to be constructed). The rear elevation of the property is situated approximately 18m from the boundary shared with the properties at the rear of the site. Number 15 Fossefield Road has a garden which measure approximately 24m from the rear of the dwelling to the boundary of the application site. This creates an overall distance of around 42m between the rear elevations of the existing dwellings and the proposed. Other properties along Fossefield Road are positioned further away from the proposed dwelling.

During the consultation period, concern was raised by a neighbouring property in regard to the development blocking natural light to the neighbouring properties. Given the distance, orientation and location of the proposed dwelling in relation to the neighbouring properties it is not considered that the development will result in harm to the amenity of the residential amenity of neighbouring properties through loss of light or overbearing impact. Concern was also raised that the development will block the view of the sunrise from neighbouring gardens however the right to a view is not a material planning consideration and as the development does not result in an overbearing impact it is not considered that the development will result in harm to the amenity of neighbouring properties.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework

Assessment of Highway Issues:

Notwithstanding the location of the application site, outside of the development boundary, in terms of proximity to local services and facilities, the development can be considered to be in a sustainable location. The local facilities within Midsomer Norton, including the schools, are accessible on the foot or cycle. Furthermore, the development is close to public transport connections. As such, future occupiers of the development would not be reliant on the private car. This is a material consideration in the overall planning balance.

The site is accessed off of Fosse Way (A367), an adopted A-road within a 30mph speed limit. The access track is fairly long and narrow and currently provides access to the residential properties of Sunlea and Magdapur, and potentially also Timbers (though this is unclear). The extant permission on the land adjacent to the application site (related to Magdapur) granted planning permission for the erection of two dwellings (ref: 2021/1509/FUL). Additionally, Magdapur is in the process of being converted into 2 separate 4 bed houses (planning permission 2020/0756/FUL and Certificate of Existing Lawful development 2023/1207/CLE refer).

Due to the increased pressure on this track, planning permission 2021/1509/FUL included improvements to the access track that, if implemented, will also benefit this application site. However, if the two dwellings approved under planning permission: 2021/1509/FUL are not constructed, the access improvement will not be secured.

The proposal results in one additional dwelling using the access track and so to ensure the existing track is capable of accommodating this increase in traffic movement in this event that planning permission 2021/2509/FUL is not implemented first, the local highway authority have request that a passing bay and works to the 5m of the access track closest to the main road are undertaken to restore it to its full width and to ensure it is consolidated are undertaken prior to occupation. However, as the applicant does not own this track (but has a right of access over it) these requirements are proposed as a grampian condition, thus requiring these works to be undertaken prior to commencement of the development.

Whilst it would be ideal if the wall to the north of the site access was reduced in height, as this proposal would just result in one additional dwelling this is not required to satisfy the highway authority that the proposal meets the required highway safety standards to comply with para 115 of the NPPF.

The proposed car parking provision (3 spaces) accords with the Somerset Parking Strategy requirements for a three-bedroom dwelling in this location and adequate cycle parking provision can be accommodated within the application site. A condition is imposed as request by highways for a electric vehicle charging point prior to occupation, which is considered reasonable.

Given the narrow single-track lane that is utilised to access the application site as well as other residential properties, it is recommended that a Construction Traffic Management Plan condition is attached should planning permission be granted. This will require the applicant to submit a report detailing how the parking of vehicles is managed, loading and unloading of plant and materials as well as its storage, what measures to control the emission of dust and dirt are to be implemented and the delivery and construction hours. This will ensure that the access track is accessible to all the relevant residential properties during all stages of the construction of the site as well as maintaining the residential amenity of the properties that may be impacted during the construction of the dwelling.

When taking into consideration the proposed development as a whole, it is deemed to not pose an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe in accordance with paragraphs 115 and 116 of the NPPF.

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.

Refuse Collection:

There is sufficient space on the site for the storage of both waste and recycling. The adjacent existing dwellings such as Sunlea are already subject to domestic collections and as such it is not considered that there will be any issues with an additional property requiring collection.

Environmental Impact Assessment

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

Equalities Act

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

Other Matters:

Concerns have been raised in regard to the rights of access across the access track and its maintenance along with ownership of an existing wall. These concerns have been noted and considered where relevant to the access considerations in the highways section above. Beyond that, the matters raised are a civil matter and cannot be managed through the planning process.

Land ownership is a civil matter and cannot be managed through the planning process. The applicant is advised that any works that involve land not within their ownership or a party wall will require agreement from the relevant parties.

Conclusion and Planning Balance:

As highlighted above, the development is situated outside of the development limits contrary to the adopted policies within the Development Plan. However, as the relevant policies to this currently have reduced weight, 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.

It is noted that the site is located within close proximity to local facilities, services and public transport provision. Furthermore, no harm has been identified in terms of impact upon the rural character of the area or encroachment into the countryside. No other harms have been identified in terms of impact on the amenity of the neighbouring occupiers or highways safety concerns.

The benefits of the proposal, a single dwellinghouse, would make a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would have some economic benefits for the duration of the construction phase and thereafter for local services and facilities. For these reasons, the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of the scheme. The development is therefore recommended for approval and has accordingly been advertised as a Departure from the Development Plan.

Recommendation

Approval

Conditions

1. **Standard Time Limit (Compliance)**

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

First Floor Plan

Ground Floor Plan

Location and Block Plan

Proposed Elevations

Existing Site Plan

Roof Plan

Validated 27.06.2022

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

3. **Materials (Compliance)**

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

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

4. **Site access improvements (Pre-commencement)**

The development hereby approved shall not commence until:

i) a passing bay has been provided along the access track in accordance with details that shall be first submitted to and approved in writing by the Local Planning Authority; and

ii) the first five metres of the access track has been cleared of vegetation for its full width and has been constructed with a bound and compacted surfacing material (not loose stone or gravel).

The access and passing bay shall thereafter be maintained in perpetuity.

Reason: To provide a safe access to the site in the 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).

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

No development shall take place until a Construction Traffic Management Plan

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) measures to control the emission of dust and dirt during construction;
- e) delivery and construction working hours.

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Development Policies 7, 8 and 9 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. **Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the parking and turning areas have been constructed in accordance with details shown on the approved plans. The parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Electric Vehicle Charging (Pre-occupation)**

No dwelling shall be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active 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. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Development Policy 7 (adopted March

2022).

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.

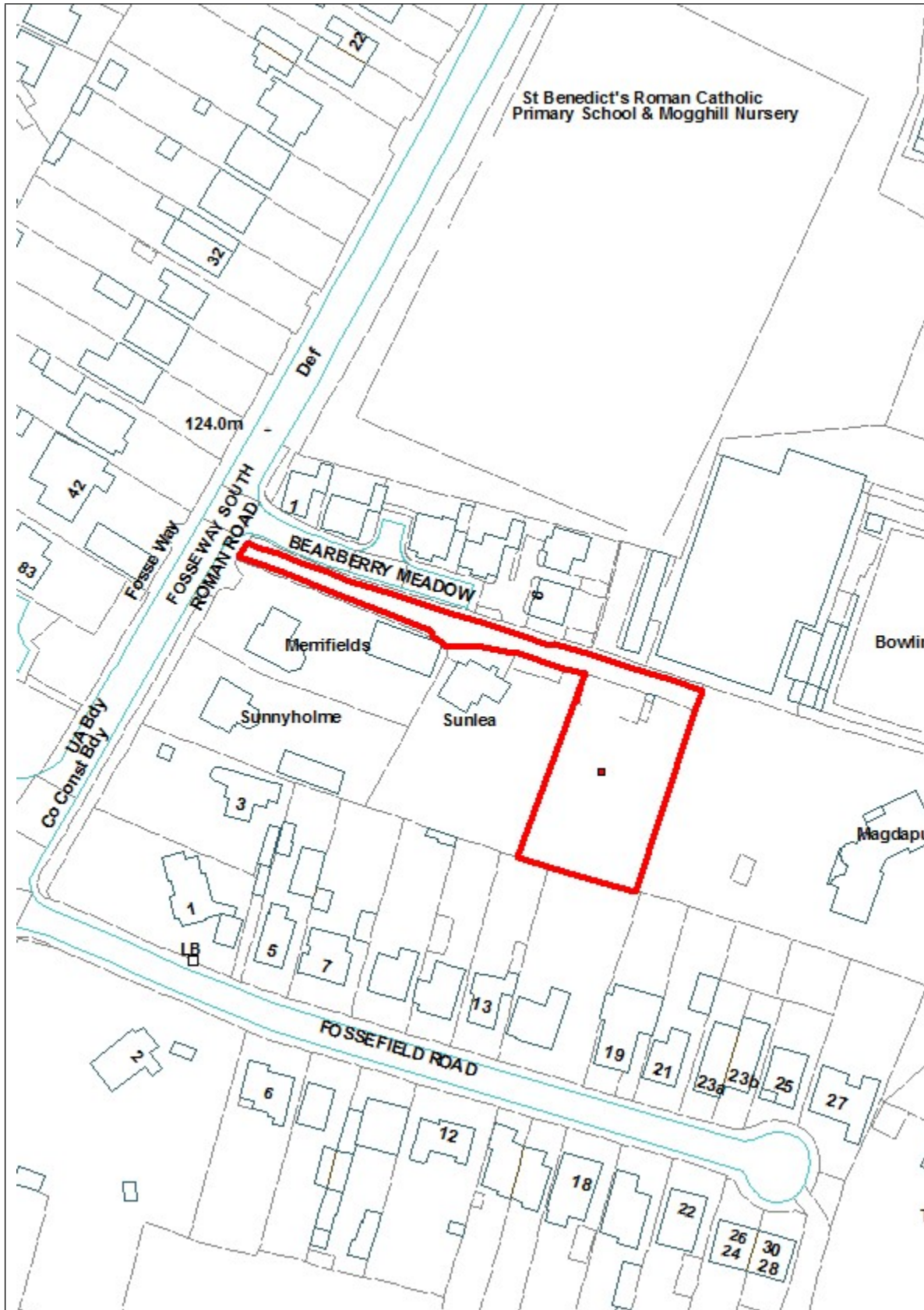
Please note all conditions should be read fully as these headings are intended as a guide only.

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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

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

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. 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. The applicant is advised that this application was accompanied by a Certificate stating that the applicant was the owner of all the land shown within the application site and therefore, this decision notice is issued on the understanding that no part to the development extends beyond the curtilage of the application premises. It is the developers responsibility to ensure they comply with The Party Wall etc Act 1996.



Planning Board Report 4th June 2024
Land Adjacent To Sunlea
Fosse Way
Kilmersdon
Frome
Somerset

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Application Number	2024/0291/FUL
Case Officer	Carlton Langford
Site	Land At 363906 149818 Stockhill Chilcompton Radstock Somerset
Date Validated	14 February 2024
Applicant/ Organisation	C/O Agent
Application Type	Full Application
Proposal	Construction of new agricultural barn, access improvements and associated works.
Division	Mendip Hills Division
Parish	Chilcompton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

Referral to Ward Member/Chair and Vice Chair:

This application has been referred as the Case Officer's recommendation to approve differs from that of the Parish Council and 17 local objectors.

Description of Site, Proposal and Constraints:

This application relates to 3Ha of agricultural land within the open countryside and within the Parish of Chilcompton. The site is located within a Bat Consultation Zone, an Area of Archaeological Importance, an area with historic Coal mining activity and a minerals consultation area.

This application seeks full planning permission for the erection of an agricultural building with improvements to the existing field access and associated landscaping works. The scheme has been amended to reduce the overall height of the building to reduce its visual impact.

The building will be of a standard portal frame design with timber clad walls under a metal roof.

Relevant History:

No relevant planning history.

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

Ward Member: No response

Parish Council: Recommend refusal –

- Outside the development line.
- Impact on landscape - design, appearance and relationship with the surrounding area.
- The application makes no mention of how they intend to deal with animal waste, no mention of storage provision for dung/slurry and the pollution threat from that.
- If it was passed the PC would like there to be no possibility of change of use.

Highways Development Officer: Standing Advice.

The Coal Authority: No objections subject to the imposition of a standard advice note reminding the applicant that the development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority.

Environmental Protection: No objections.

Contaminated Land: No objections.

Ecology: No objections subject to the imposition of standard conditions.

Somerset Minerals: No response.

Local Representations: 17 letters of objection received raising the following concerns –

- Outside development limits
- Applicant has no intention of farming the land with the unauthorised use of the land for motocross use clearly shows.
- Visual impact on the landscape
- Noise and disturbance
- Impact on wildlife
- No economic value
- No details for the disposal of animal waste
- The limited size of the holding could not support a viable farming enterprise.
- Increased traffic

Full comments can be viewed on the Council's Website.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations 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
- CP4 – Sustainable rural communities
- DP1 – Local Identity and distinctiveness
- DP4 – Mendip Landscapes.
- DP5 – Ecology
- DP6 – Bats
- DP7 – Design and amenity.
- DP8 – Environmental Protection
- 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:

The key consideration in determining this application relates to the erection of the proposed barn with associated landscaping and access improvements as proposed. The application

is not seeking and change of use of the land nor to regularise the unauthorised motocross use of the land which have now ceased.

Principle of the Use:

The application site is situated within the open countryside where development is strictly controlled. However, the proposal is for an agricultural building on agricultural land reasonably necessary for the purposes of agricultural.

Policy CP4 supports new rural economic development which are considered to be of a manner and of a scale which are appropriate to the location and the constraints upon it.

The proposed building is considered to be a size commensurate with the 3ha holding and having regard for the assessment below is considered to be of a manner and scale appropriate to the location and the constraints upon it and therefore acceptable in principle in accordance with Policies CP1 and CP4 of the LP.

Only the use of the building for agricultural uses is thought to meet with the Council's Policy for sustainable rural development in this location and any other uses of the building would require the Council's further consideration and therefore, it is recommended that the use of the building be restricted through condition.

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

The proposed building is of a standard agricultural design acceptable within the context of its rural setting. The amended height of the proposed building will reduce its visual impact within the landscape, and given its massing, form and agricultural appearance, would be appropriate within the site's rural context and will not have a harmful impact on the landscape character of the area. The proposal accords with policies DP1, DP4 and DP7.

Impact on Residential Amenity:

The limited scale of the proposal will ensure that it ensures the protection of the users of neighbouring buildings and other land uses and provide a satisfactory environment for current and future occupants in accordance with Policies DP7 and DP8 of the LP.

The use of the building for the housing of livestock should not come into use until such time as a suitable scheme for the management and disposal of animal waste has been approved. This can be secured through condition.

Impact on Ecology:

The siting of the proposed building will not result in the significant loss of any protected habitats not protected species. The Council's Ecologist has raised no objections and has recommended conditions to ensure ecological protection and conservation and the implementation of ecological enhancements in accordance with Policies DP5 and DP6 of the LP

Assessment of Highway Issues:

The site will utilise existing field access points, one of which is to be widened by 1.5m which is considered acceptable for the proposed smallholding use.

Whilst there is ample space on site for the provision of parking and turning, no details have been provided and these should be sought through condition.

The proposal raises no adverse highway safety or parking concerns over or above those which already exist and accords with Policies DP9 and DP10 of the LP.

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.

Other matters not already addressed:

Applicant has no intension of farming the land. The unauthorised use of the land for motorcross use clearly demonstrates this.

It is understood that the motorcross activities on the site have ceased. The application before the Council is for the erection of a agricultural building to be used for storage of equipment to maintain the land and to house a small number of animals.

Any past uses of the site, unauthorised or otherwise are not in this case a material consideration in determining the outcome of the application.

Noise and disturbance

The use of the building for agricultural storage and animal housing will raise no adverse amenity concerns over or above those which currently exist between neighbouring land uses.

Whilst, there are protected residential properties within 400m of the site, the very limited scale of the proposal will not result in any adverse noise disturbance and subject to details of how animal waste is to be dealt with, the scheme will raise no adverse odour concerns.

The Council's Environmental Protection Officer has raised no objections to the proposal.

No economic value/the limited size of the holding could not support a viable farming enterprise.

The applicant need only to demonstrate that the building as proposed is reasonably necessary for the purposes of agriculture. Only if the applicant requires a dwelling to support an enterprise in an isolated rural location, would the Council insist that there is an essential functional need for the dwelling and that the enterprise is financially sound to support a fulltime worker.

There is no requirement for the applicant to demonstrate that their smallholding might be financially sound in order to ensure permission.

Increased traffic

The very limited scale of the development is unlikely to generate any significant increase in traffic which might be considered so severe as to raise highway safety concerns locally or on the wider highway network.

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:

A-E10-001

A-E10-002

A-P10-003 A

A-P10-004 A

A-P10-005 A

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

3. **Use of building for agricultural purposes only (Compliance)**

The development hereby approved shall be used for solely for agricultural purposes and no other commercial use or activity without the express consent from the Local Planning Authority.

Reason: The approved agricultural use only has been found to be acceptable in this location and other uses will require the further detailed consideration of the Local Planning Authority in accordance with Policies CP1 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Provision of animal waste storage and disposal details (Bespoke trigger)**

No animals or livestock shall be housed within the building hereby approved until details of the arrangements for the storage and disposal of animal waste have been first submitted to and approved in writing by the Local Planning Authority. The storage and disposal of animal waste shall thereafter be undertaken only in accordance with the approved details.

Reason: In the interests of residential amenity having regards to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Parking and Turning Area (Bespoke Trigger)**

No construction above slab level shall commence until plans showing an on-site parking and turning area, including full details of the surfacing materials, has been submitted to and approved in writing by the Local Planning Authority. The use of the building shall not commence until the parking area 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 and turning 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).

6. Reptiles and Amphibians Protection (Compliance)

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. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible.

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

7. Hedgerows and Tree Protection (Compliance)

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

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

8. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory

or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

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

9. **Wildlife Enhancement (Compliance)**

The following enhancements will be incorporated into the site proposal or within the wider applicant ownership boundary, with photographs of the installed features submitted to the Local Planning Authority prior to first use of the building hereby approved -

- a) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- b) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- c) Installation of one bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Environment Act 2021.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning 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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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. 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 (greater than 200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation

of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

6. 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 until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

7. Informative Note

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

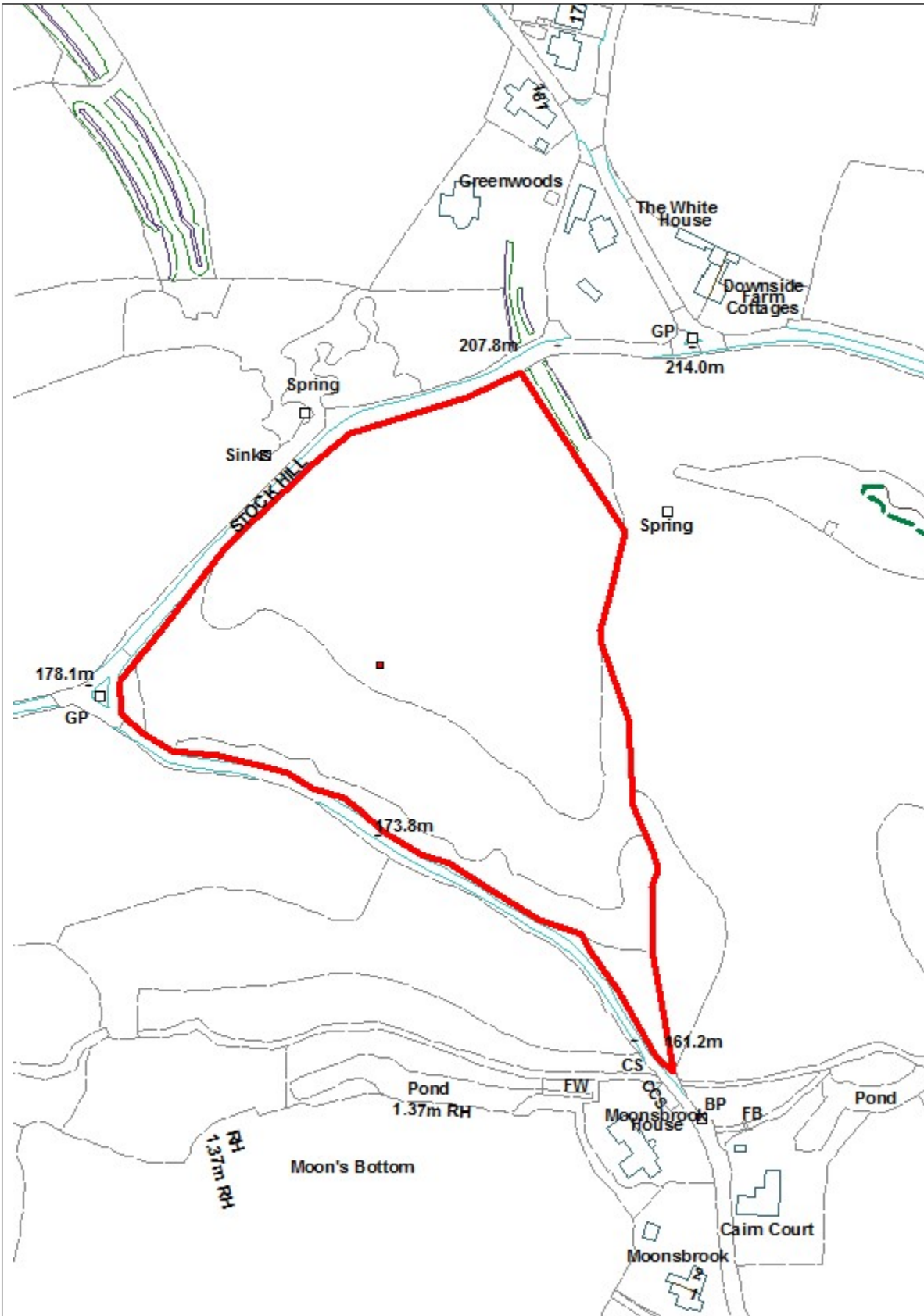
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling

activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

8. You are reminded of the need to comply with the requirements of the Water Resources (Control of Pollution) Silage, Slurry and Agricultural Fuel Oil (England) Regulations 2010.



Planning Board Report 4th June 2024
 Land At 363906 149818
 Stockhill
 Chilcompton
 Radstock
 Somerset

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Application Number	2024/0002/FUL
Case Officer	Kelly Pritchard
Site	Land At Emborough Farm Roemead Road Binegar Radstock Somerset
Date Validated	15 January 2024
Applicant/	P Blatchford
Organisation	Emborough Farm
Application Type	Full Application
Proposal	Change of use of agricultural land to a secure fenced dog exercise area.
Division	Mendip Hills Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse, the Parish Council recommended approval and the Divisional Member did not submit a comment.

Description of Site, Proposal and Constraints:

The application relates to Emborough Farm, Roemead Road, Binegar.

The site is located outside defined development limits and has an existing vehicular access to the highway, the B3135, which is opposite a small industrial estate.

The application site is also within the Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (Band C), Site of Special Scientific Interest Impact Risk Zone and it is also located within the Somerset Levels and Moors Ramsar Risk Area. It is also located within the Gas Pipeline Interest Zone.

The application seeks full planning permission for the change of use of agricultural land to a secure fenced dog exercise area. The site area comprises of approximately 1.2h agricultural land.

The submitted supporting statement says that the money from the dog exercise area will subsidise future uses on the site including a classroom on the farm.

It is proposed to open the area no earlier than 7am and no later than 10pm during daylight hours. No outside lighting is proposed. Users will book online and sessions will be 50 minutes with a 10 minute change over period. A maximum of two cars will be allowed on site and the applicant claims this can be achieved by restricting the number of dogs per session. CCTV cameras may also be in operation. A shelter is also proposed which measures 4.8m x 2.4m and 3m high, it will be timber with fibre cement roof. A dog waste collection bin will be provided, however, no plans have been submitted to demonstrate where on the site the building, bin or the fencing and gates will be positioned.

The statement submitted with the application says a 1.9m high fence will surround the dog walking area and it will have braced gates.

Relevant History:

- 2022/2125/AGB - Application for prior notification of agricultural development for a proposed building - Agricultural barn. Prior Approval Not Required. 16.11.22
- 2022/2150/AGB - Application for prior notification of agricultural development for a proposed building - Agricultural barn. Prior Approval Not Required. 16.11.22
- 2023/1884/FUL - Erection of a temporary agricultural workers dwelling. Approved 20.03.24
- 2024/0195/FUL - Erection of 2no. goose houses and 1no. field shelter for alpacas. (part retrospective). Approved. 08.04.24

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

Divisional Member: No comments received.

St Cuthbert Out Parish Council: Approval.

Highways Development Officer: Objection.

- Based on the level and detail of the information provided at this time the Highway Authority has no choice other than to recommend refusal.
- The visibility splay drawing submitted are not sufficient and we have concerns that the visibility splay to the south east will cross land that is not within the applicants control, or within highway land.
- Limited information regarding parking and turning has been provided.

- The principle of a dog walking area, based on the level of use detailed within the application would not cause significant highway concerns, however the visibility splays need to be confirmed. However, the submitted documents mention future uses of the site, including retail, catering and education. These uses would need further consideration.

Environmental Protection: No objection.

Local Representations:

We have received four objections and three representations in support, their comments are summarised below.

- There are currently few fenced spaces where dogs can be exercised off lead safely.
- In keeping with other businesses across the road.
- This will support existing businesses.
- It will negatively impact on my business opposite due to noise including barking, traffic etc.
- Highway safety concerns including people crossing the main road and increase in traffic. – *Officer note to this comment is that this is not material for this application as the proposal shows that there is a parking area within the application site and it cannot be assumed that people will cross the road to use other facilities.*
- This area is known for Adders and this will pose a threat to dogs.
- Negative impact on ecology.
- Conflict with existing livestock at the site.
- There are already other dog walking facilities available.

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

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations 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) (MDLP)

- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version, 16 December 2022)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

Planning permission has recently been granted for the erection of a temporary agricultural workers dwelling for the applicant under reference 2023/1884/FUL along with some minor agricultural buildings, reference 2024/0195/FUL.

This site is in open countryside outside any development limits. It comprises of approximately 1.2h agricultural land and the proposal is to change the use to a dog exercise area.

Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). The local plan’s emphasis is on reusing previously developed land within existing settlement limits. It also says that development in the open countryside will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 (CP4) (Sustaining Rural Communities).

Core Policy 3 (CP3) of the adopted “Mendip District Local Plan - Part 1” says that proposals for economic development will be supported where they accord with CP1, and encourage a diverse, robust, thriving and resilient local economy.

CP4 (4b) supports development of the rural economy as set out in CP3 which enable the expansion of businesses in a manner and of a scale which are appropriate to the location and the constraints upon it.

The location of the site is remote, on an agricultural farm and the pattern of the use proposed is not what would normally be expected in the countryside nor is the proposed use related to agriculture. Given its location most users of the proposed enterprise will drive to the site from outlying areas. There are a handful of small businesses on land opposite the site which include a dog groomer, but there is little evidence to support the notion that the users of these businesses will utilise the dog exercise area or visa versa. It is considered that the application site is located in an unsuitable location and the proposal would unjustifiably foster the growth in the need to travel by private car.

The principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development and there is no policy support for it.

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

It is unclear from the submitted drawings where the proposed shelter or bin will be located on site or the extent of the area of land where the fence will be located or whether the shelter is totally enclosed on all sides. Should members conclude that the principle of the development is acceptable, these details could be controlled by condition.

This is a commercial business that results in customers with dogs arriving and exiting the site at regular intervals during the day. The nature of vehicle use at this site would be distinctly different from the intermittent or seasonal traffic associated with farm vehicles. The presence of parked cars and the regularity of this activity would alter the agricultural character of this site. In addition, the boundary fence at a height of 1.9m with galvanised gates would be out of keeping in this rural area where boundary treatments are largely

limited to hedges or low stock fencing. As such the proposal is considered to be harmful to the character and appearance of the area contrary to Policies DP1, DP4 and DP7 of MDLP.

Impact on Residential Amenity:

There will be dogs barking and owners calling and no noise survey has been conducted. However, a busy main road bounds the site and consequently nearby properties located on the opposite side of the road will already experience day to day road noise. It is considered that barking and shouts arising from the site would be experienced in the context of that background noise.

Given the design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

It is understood from the statement submitted with the application that the fence will be installed 4m in from existing hedges. No external lighting is proposed as such it is considered that the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The comments of the Highway Authority are noted, however members considered that the access was adequate as part of the previous planning application recently approved at this site under reference, 2023/1884/FUL. The plans indicate that on site parking and turning will be available. When considering the scope of the proposed enterprise it is considered that the intensification of use of the existing access will not be excessive and as such the access is considered acceptable.

Notwithstanding this, Policy DP9 of the local plan, and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. Policy CP3 supports economic development where it limits the growth in demand for private transport. The site is remote and public transport options are limited and even if it was available given the nature of the proposed use it is unlikely that people would utilise it. As such the proposal would unjustifiably foster the growth in the need to travel by private car and does not represent sustainable development.

The development does not therefore comply with policies DP9 or CP1,CP3 and CP4.

Other:

The Health and Safety Executive are a statutory consultee but have not been consulted on this application. They would need to be consulted should the development involve ground disturbance.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

The principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development and it would unjustifiably foster the growth in the need to travel by private car. In addition the proposal is considered to be harmful to the character and appearance of the rural area.

Recommendation

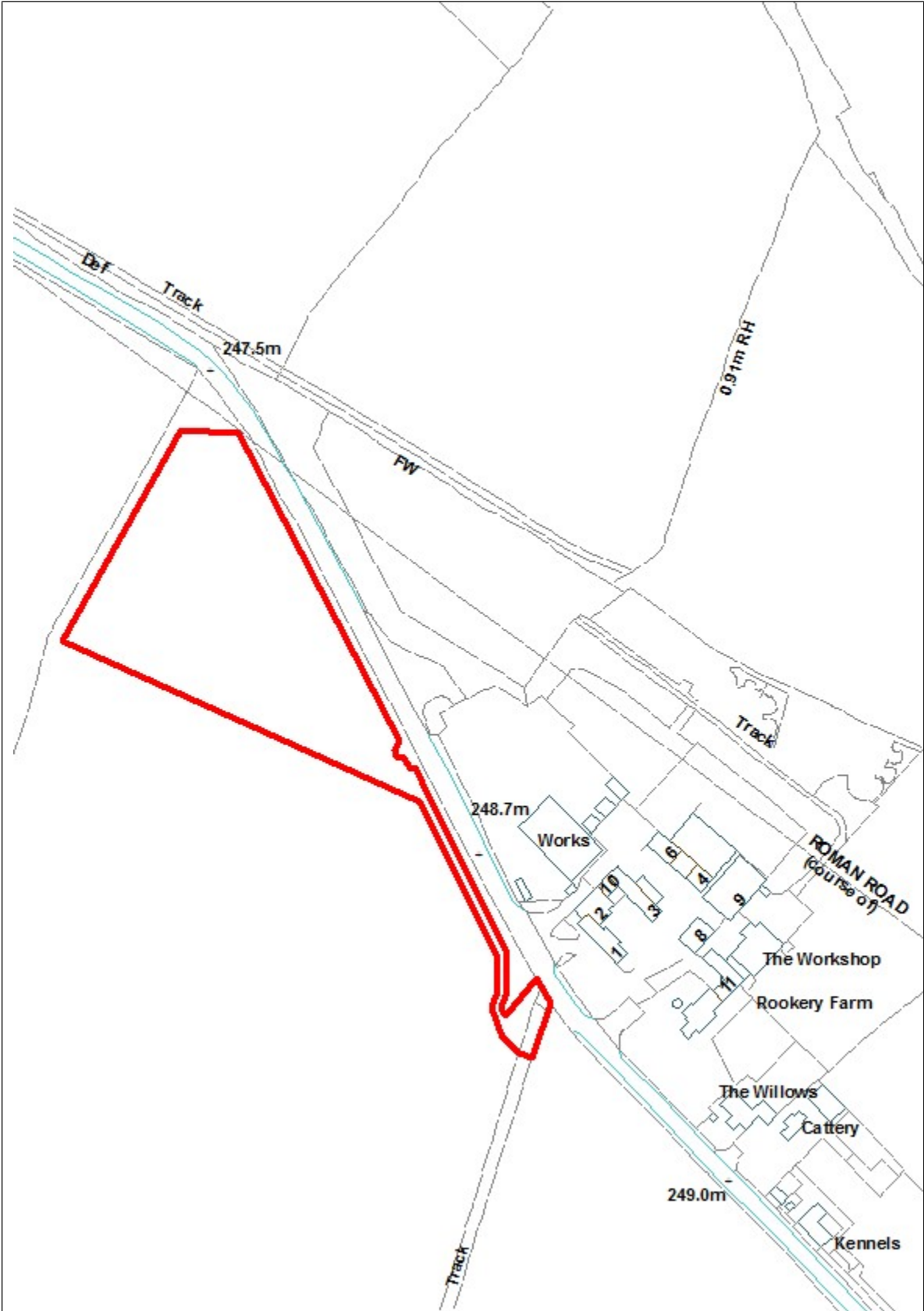
Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities and the nature of the proposed development would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The proposal is therefore contrary to the provisions of Policies CP1, CP3, CP4 and DP9 of the Mendip District Local Plan Part

- 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.
2. The development proposed by reason of the siting, scale and design of the fence/gate enclosure and the presence of parked cars and the regularity of this activity would be detrimental to the character and appearance of the rural area. The proposal is therefore contrary to the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to Visibility Splay North West and South East Drawing received 25.01.24, Visibility Splay drawing 120124-1 and Dog Shelter Drawing 130124-1 received 15.01.24, Existing Entrance Plan drawing 270823-1, Existing Site Location Plan drawing 030923-1 and Proposed Fencing drawing 030124-1 received 03.01.24 and ownership location plan received 01.01.24.



Planning Board Report
Land At Emborough Farm
Roemead Road
Binegar
Radstock
Somerset

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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 23rd April 2024 and 22nd May 2024.

Full details of all appeals, can be found on the Council's website

<https://publicaccess.mendip.gov.uk/online-applications/>

Application Reference	2023/0123/PAA
Site Address	Barn North of Copplesbury Lane, Milton Clevedon, Shepton Mallet
Applicant/Organisation	R Gore
Application Type	Prior Approval
Proposal	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	10.05.2024



Appeal Decision

Site visit made on 9 April 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/Q3305/W/23/3327257

Barn located to the north of Copplesbury Lane, Easting (x): 367681,

Northing (y): 137334

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Rob Gore against the decision of Mendip District Council.
 - The application Ref is 2023/0123/PAA.
 - The development proposed is Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Local Planning Authority's decision notice, as this provides a more accurate description of the proposal than that used on the original application form. The appeal has been determined on this basis.
3. The appeal proposal relates to a prior approval notification made under Article 3(1), Schedule 2, Class Q, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (GPDO). Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Background and Main Issues

4. Class Q of Schedule 2, Part 3 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses). Additionally, Class Q allows for building operations which are reasonably necessary to convert the building to a Class C3 use. This is subject to a number of situations/limitations where such development is not permitted/listed under paragraph Q.1, and, subject to compliance with conditions, as set out under paragraph Q.2.
5. In this case, having regard to the Council's submissions it has raised issue with the use of the appeal building and the exclusions in paragraph Q.1(a), as well as the exclusions set out at Paragraph Q.1(i) regarding the nature and extent of the building operations proposed.

<https://www.gov.uk/planning-inspectorate>

6. The main issues are therefore whether the proposal would be permitted under Article 3(1), Schedule 2, Part 3, Class Q of the GPDO, specifically:
- Whether the site was solely used for an agricultural use as part of an established agricultural unit on the required date to comply with Paragraph Q.1(a) of the GPDO; and
 - Whether the required building operations are to the extent reasonably necessary to carry out the conversion of the building to comply with Paragraph Q.1 (i) of the GPDO.
7. The Council has not raised issues in respect of the conditions in paragraph Q.2 and I have no reasons to take a different approach.

Reasons

Agricultural Use

8. Paragraph Q.1(a) states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit:
- (i) on 20th March 2013, or*
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or*
- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;*
9. The appeal building is a pitched roof, steel portal framed barn. It is situated within an open countryside location that is of a rural character and appearance, with agricultural fields populating the surrounding environment. The appellant highlights that the site is part of a sizeable agricultural holding and indicates that the building was last in agricultural use and has been so since before 20 March 2013. This has not been disputed by the Council, who acknowledged the agricultural use of the site and the building as part of its determination of a previous application (ref: 2021/2377/FUL).
10. Indeed, the Council's officer report for the appeal scheme acknowledges that there is no reason to consider that the building was not solely used for agricultural purposes or that its last purpose was not agricultural, and found the proposal to be compliant with both paragraph Q.1(a)(i) and (ii)¹ of Class Q of the GPDO.
11. The Council however contends that works undertaken to the building following the grant of planning permission in 2021 (ref: 2021/2377/FUL), results in the proposal contravening paragraph Q.1 (a) (iii). However, from the available evidence, that planning permission did not bring the agricultural building into use or affect any existing agricultural use of the building or unit. Instead, that permission related only to physical works that would improve the practical use of the existing building and the wider site. The extent of those works that have

¹ It is recognised that under Q.1(a) only one of the qualifying criteria would need to be met. Nevertheless, the Council Officer's Report states that it found the proposal to be compliant with both Q1. (a)(i) and (ii), whilst also finding it contravened (iii).

been implemented have also not seemingly resulted in a new building being created at the site. Additionally, the Council has not presented any robust evidence to suggest that there has been a break or cessation of the agricultural use of the building.

12. In refusing the application on the grounds of Q.1 (a) (iii), the Council has also referred to paragraph Q.1(g) of Class Q of the GPDO. This establishes that rights under Class Q cannot be exercised where works to erect, extend or alter a building for the purposes of agriculture via permitted development rights under class A(a) or Class B(b) of Schedule 2, Part 6 of the GPDO have been carried out on the established agricultural unit since 20 March 2013, or within 10 years before exercising the change to residential use, whichever is the lesser.
13. Although works to the appeal building may have recently taken place following the grant of planning permission 2021/2377/FUL, these works were not progressed under Class A(a) or Class B(b) of Schedule 2, Part 6 of the GPDO. As such, from the evidence before me, there is no basis to believe that the proposal contravenes the requirements of Section Q.1(g) of Class Q of the GPDO.
14. Consequently, from the available evidence, I have no reason to believe that the appeal site was not solely used for an agricultural use as part of an established agricultural unit on the required date. Accordingly, I find the proposal to comply with Schedule 2, Part 3, Class Q, Paragraph Q.1(a) of the GPDO.

Building Operations

15. The GPDO states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house.
16. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, the PPG is clear that it is not the intention of the permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use. Accordingly, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights.
17. Neither the GPDO nor the PPG define the term 'reasonably necessary'. Consequently, this is a matter of planning judgement based on fact and degree of an individual case. My attention has though been drawn to the Hibbitt judgement² which relates to the difference between conversions and rebuilding dealt with under Class Q. This is important because if a development does not amount to a conversion it would fail to be development permitted under Class Q(b).
18. The Hibbitt case suggested that an agricultural building may be so skeletal and minimalist that the works needed to alter it to be used as a dwelling would be

² Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

of such a magnitude that it would be tantamount to a new build or rebuild as opposed to a conversion. Furthermore, Hibbitt reinforces that it is a matter of planning judgement as to whether the level of works involved would still constitute a conversion.

19. A report detailing a visual structural inspection of the existing building has been provided by the appellant³ (the structural report). The inspection of the building found the existing structural steelwork to be in sound condition and that the barn appears to be in a suitable structural condition to allow for conversion into a habitable dwelling. However, the structural report was based upon a visual inspection, and a single shallow trial pit which did not reveal the foundation formation level. Additionally, no detailed structural calculations for the proposed development have been prepared.
20. Even if the existing steel frame is structurally sound and capable of being utilised in the proposed dwelling without structural reinforcement or alteration, consideration still needs to be given to the total extent of works proposed and whether they amount to a conversion of the building.
21. The proposal seeks to retain the existing external timber cladding that encloses the majority of the building's external elevations, as well as corrugated steel sheets to the gable ends. The existing timber cladding is not structurally grounded or set in a strip foundation, whilst the areas of cladding tend not to be solid due to the presence of expansion or ventilation gaps between much of the timber. Notwithstanding that the external cladding would be maintained, in practical terms it would have a rather superficial role with new walls needing to be built behind the cladding to the majority of the barn, whilst areas of glazing and doors would also need to be introduced in the remaining openings.
22. In terms of the roof, I note the section details that have been provided and the appellant's claims that the proposal would retain the existing roof materials and treat these where necessary. However, whilst the existing steel trusses and purlins may be utilised, I am unconvinced that it would be feasible to retain the existing roof coverings. From my observations on site, it appeared that there were sizeable gaps between some of the roof sheets, as well as occasional holes in some of the sheets.
23. Indeed, the appellant's suggestion that the existing roof is to be retained appears to be at odds with the recommendations of his own structural report. The structural report states that the existing roof coverings are asbestos cement sheeting, before recommending that all asbestos containing materials will need to be disposed of safely and appropriately. It further indicates that the primary structure is considered to be adequate to support the load of external works, for example, the replacement of existing asbestos cement sheets with insulated cladding panels of a similar weight. Furthermore, as part of its recommendations, the structural report states that the replacement roof cladding and its fixings is to provide the same diaphragm action as the current cladding, thereby providing stability to the steel frame.
24. Therefore, based on the evidence before me, I do not consider the appellant's stated approach of the roof being formed by retaining the asbestos cement sheeting, with any replacements being of a like for like style, to be reasonable. Even if only certain sections of the roof coverings would need to be replaced, I

³ Prepared by Beveridge Chartered Engineers (dated 17 June 2022)

consider it likely that this would lead to a 'domino effect' particularly given it involves asbestos cement sheeting. Accordingly, I consider it likely that a substantially new roof would be required to convert the building to a dwellinghouse.

25. Turning to the floor of the building, planning permission 2021/2377/FUL is understood to remain extant and, amongst other matters, allows for the installation of a concrete pad in the appeal building. The appellant has therefore indicated that the concrete pad to facilitate the proposed conversion of the building would be progressed under the extant permission, as opposed to the current appeal scheme. Albeit, the appellant indicates that the installation of a floor falls within the scope of works allowed under Class Q.1(i).
26. At the time of my site visit there remained no internal floor slab within the building, while I note the appellant's structural report identifies that a nominally reinforced concrete slab will be required to be installed. Regardless of whether the provision of the new concrete floor can be undertaken through a separate planning permission, or comprises a structural element, the works would still need to be undertaken to facilitate the building's use as a dwellinghouse. Accordingly, I still have to take account of the need for this work to be complete in my consideration as to whether the building before me is suitable for conversion to a dwellinghouse.
27. Individually, the works for each of the above components (i.e. new walls, windows, doors, roof and internal floor slab) may be permissible under the terms of paragraph Q.1(i) of the GPDO, or have a separate extant permission. Nevertheless, having regard to established case law, I find that the totality of the works that would be necessary to allow the building to be used as a dwellinghouse would be tantamount to a substantial re-build, as opposed to a conversion.
28. Accordingly, I find that the proposed development would go beyond building operations reasonably necessary to convert the building into a dwellinghouse. As such it would fail to comply with paragraph Q.1(i) of the GPDO and would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q of the Order.

Other Matters

29. To support the appeal proposal, the appellant has provided copies of previous appeal decisions whereby Inspectors have determined that the nature of the building works proposed would be reasonably necessary for the respective buildings to function as dwellinghouses. However, I do not have the full context of these decisions including the precise conditions of the relevant agricultural buildings for conversion or the full extent of works involved in each case. My decision therefore does not turn on this matter.

Conclusion

30. For the reasons given above, I find that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

Lewis Condé
INSPECTOR