



Notice of Meeting of
PLANNING COMMITTEE - EAST
Tuesday, 2 May 2023 at 2.00 pm

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

To: The members of the Planning Committee - East

Chairman: Councillor Nick Cottle
Vice-chairman: Councillor Edric Hobbs

Councillor Adam Boyden	Councillor Theo Butt Philip	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 **12noon on Thursday, 27 April 2023**.

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

The meeting will be webcast and an audio recording made.

Issued by Scott Wooldridge, Monitoring Officer, on Friday, 21 April 2023

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 2 May 2023

Public Guidance Notes contained in Agenda Annexe 5 - 6
Click here to join the online meeting 7 - 8

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting

Minutes from the previous planning meetings of Mendip District Council held in March 2023 will be approved at the meeting of the Full Council on 24 May 2023.

3 Declarations of Interest (Pages 9 - 10)

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

(The personal interests of Councillors of Somerset Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

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 and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

- 5 Schedule of Applications (Pages 11 - 12)**
- 6 Planning Application 2020/0960/FUL - The Queens Arms, Wraxall (Pages 13 - 36)**
- 7 Planning Application 2022/0053/OTS - Corner Cottage, Leigh on Mendip (Pages 37 - 54)**
- 8 Planning Application 2019/1577/FUL - Land at Upper Wellesley Lane, Dulcote (Pages 55 - 72)**
- 9 Planning Application 2022/1138/FUL - Myrtle Farm, Wookey Hole (Pages 73 - 84)**

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Somerset Council - AC0000861332 - 2023

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at

democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 12noon providing 1 clear working day before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 12noon on the Monday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If an item on the agenda is contentious, with many people wishing to attend the

meeting, a representative should be nominated to present the views of a group.

For details for speaking at Planning Committee, please visit our website: [Speaking at Planning Committee \(somerset.gov.uk\)](https://www.somerset.gov.uk/planning-committee)

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded 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, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

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.

For those wishing to join online the following is the link to the Teams meeting.

Microsoft Teams meeting

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[+44 1823 772277,,878177867#](#) United Kingdom, Taunton

Phone Conference ID: 878 177 867#

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SOMERSET COUNCIL

**UNITARY COUNCILLORS WHO ARE ALSO TOWN AND/OR
PARISH COUNCILLORS**

**Somerset
Council**

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Theo Butt Philip	Wells City Council
Simon Carswell	Street Parish Council
Nick Cottle	Glastonbury Town Council / St Edmunds Parish Council
Philip Ham	Coleford Parish Council
Edric Hobbs	Shepton Mallet Town Council
Martin Lovell	Shepton Mallet Town Council
Tony Robbins	Wells City Council
Heather Shearer	Street Parish Council
Ros Wyke	Westbury-sub-Mendip Parish Council

Their memberships of Parish or Town Councils will be taken as being declared by these Councillors to be Personal Interests in the business of the Somerset Council meeting and need not be declared verbally.

Any Unitary Councillor who has a Prejudicial Interest by virtue of their Membership of a Parish or Town Council, or who has a special involvement by virtue of being a Parish or Town Councillor, in a matter to be discussed by the Somerset Council will be expected to declare that prejudicial interest personally or bring to the attention of the Somerset Council meeting their special involvement.

H CLARKE, Unitary Solicitor, April 2023

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Agenda Item 5

Planning Committee East

DATE: 2 May 2023

NOTES:

- 1 Items may be taken out of order and therefore we are unable to advise the time at which an item will be considered.
- 2 Applications can be determined in any manner notwithstanding the recommendation being made.
- 3 Letters of representation referred to in these reports together with any other background information may be inspected at any time prior to the Meeting on the website.
- 4 For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, 'background papers' in accordance with section 100D will always include the case officer's written report and any letters or memoranda of representation received.

Schedule of Applications

Planning Committee East - 2 May 2023

Application Number	Site/Division/Member	Proposal	Recommendation	Case Officer
2020/0960/FUL	The Queens Arms, Wraxall Road, Wraxall, Shepton Mallet, Somerset, BA4 6RQ Mendip South Division	Demolition of existing buildings and erection of 7no. dwelling houses with associated vehicular access and parking (revised scheme).	Approval	Nikki White
2022/0053/OTS	Corner Cottage, Quarry Lane, Leigh on Mendip, Shepton Mallet, Somerset, BA3 5QG Mendip Central and East Division	Application for Outline Planning Permission with some matters reserved for the erection of 3 no. dwellings with details of access.	Approval	Carlton Langford
2019/1577/FUL	Land At 355763 143568, Upper Wellesley Lane, Dulcote, Wells, Somerset, Mendip West Division	Proposed new dwelling, new access, and associated development.	Refusal	Carlton Langford
2022/1138/FUL	Myrtle Farm, Milton Lane, Wookey Hole, Wells, Somerset, Mendip West Division	Erection of 1no. three bedroom detached dwelling.	Approval	Charlotte Rogers

Case Officer	Nikki White
Site	The Queens Arms Wraxall Road Wraxall Shepton Mallet Somerset
Application Number	2020/0960/FUL
Date Validated	26 May 2020
Applicant/ Organisation	Royanne Limited
Application Type	Full Application
Proposal	Demolition of existing buildings and erection of 7no. dwellinghouses with associated vehicular access and parking (revised scheme).
Division	Mendip South Division
Parish	Ditcheat Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

Departure Notification and Scheme of Delegation:

This application is recommended for approval. The application has been advertised as a departure from the Local Plan.

Through the course of the application, the Parish Council made no objections, and the Ward Member did not submit a comment.

In accordance with the scheme of delegation, as this application represents a departure from the Local Plan and is therefore referred to committee for consideration.

Description of Site, Proposal and Constraints:

The application relates to the former Queens Arms in Wraxall. The site was previously used as a public house but has remained vacant for a number of years.

The site is located outside the development limits of any identified primary or secondary settlement, however planning permission has been granted previously to redevelop the site for residential.

The current application seeks full planning permission for the demolition of the existing buildings and erection of 7 dwellings with associated vehicular access and parking.

Relevant History:

025897/007 – Change of use of land from agricultural use to provide additional car parking and an outdoor area to be used in association with the public house, as amended by revised drawing received on

02/12/03, approved with conditions 17.05.2004.

2015/1561 – Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park, withdrawn following error re ownership certification.

2015/2852/FUL – Change of use of a redundant public house to 4 no residential dwellings and erection of 2 no detached dwellings in the car park - refused – 22.03.2016. Officers recommended refusal for the following reasons:

(1) The site lies in the countryside, outside of established Settlement Limits, where the erection of new-build dwellings (in this case plots 5 and 6) is strictly controlled in the interests of the overall character and appearance of the countryside and to ensure a sustainable pattern of development. It has not been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed new-build units are essential for successful delivery of the affordable housing elements of the proposal, or that there is a clearly identified need for the proposed affordable housing in the settlement. Therefore the provision of affordable units does not justify the proposed new-built dwellings. The proposal is therefore contrary to policies CP1, CP2 and DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

(2) The proposed dwellings on plots 5 and 6, by reason of their size, height, position and the location of windows serving habitable rooms, would harm the living conditions of Radcliffe Cottage, in respect of loss of light, outlook and privacy. The proposals would be contrary to policy DP7 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework and Planning Practice Guidance.

(3) The proposed development is proposed on the basis of the provision of two units of affordable housing, but this provision has not been secured through a planning obligation under s106 of the Town and Country Planning Act 1990. The proposal is therefore contrary to policy DP12 of the Mendip District Local Plan (part 1), adopted December 2014 and advice in the National Planning Policy Framework.

At the Planning Board meeting on the 16th March 2016, however, members resolved to refuse permission for only the second and third reasons for refusal set out above. It was concluded that the principle of residential development was acceptable.

2016/1434/FUL - Change of use of a redundant public house to 4no residential dwellings and erection of 2no detached dwellings in car park – approved under delegated powers on 12th December 2016.

2018/0828/OTS - Application for outline planning permission with some matters reserved for partial demolition of buildings, conversion of the retained building as a pair of semi-detached houses and erection of 5 detached houses with associated vehicular access and parking with details of access/appearance/layout/scale – approved with conditions on 18th October 2018, under delegated powers.

Summary of Ward Councillor Comments, Parish Council Comments, Representations and

consultee comments:

Ward Councillor: No comments received.

Ditcheat Parish Council: Recommends approval.

- Improvement to local character than existing situation
- Access on to the A37 at the crossroads itself is difficult at times and any opportunity to minimise /remove problems with access on to the very busy A37 should be taken.

County Highways Officer (SCC): No objections, subject to conditions.

- Revised plan Proposed Site Plan MDS 1344/103 rev G demonstrates manoeuvring area associated with the proposed parking space will facilitate vehicle movements to allow for vehicles to enter and leave the site in forward gear. To ensure this manoeuvring area is kept clear and not itself parked on, a condition is recommended. It is noted that the scheme also provides parking for this dwelling to the rear with access off Wraxall Road.
- The site lies just east of Wraxall crossroads with frontage both along Wraxall Road a classified un-numbered road and Wraxall Hill a classified road (A37) which is subject to a 40mph speed limit at this point. Wraxall crossroads has a number of recorded accidents over the last five years, although there are no recorded accidents at the point of the existing accesses into the site.
- It would appear that this proposed scheme is very similar to that submitted in 2018, to which the Highway Authority raised no objections. Whilst this planning application doesn't provide any highway / transport related supporting documentation, given the similarity to the 2018 PA the Highway Authority consider that the proposal is unlikely to generate an unacceptable volume of traffic in peak periods and therefore, it will not have a severe traffic impact on the local highway network.
- The proposed development as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G provides a revised access onto Wraxall Road with a width of 5m thus allowing for two-way traffic into and out of the site. This scheme will also provide a 2m footway along the site's frontage with the adopted highway, this is acceptable as it will be utilising developers land and will not give rise to the narrowing of the carriageway. Appropriate levels of visibility in either direction is also achievable.
- Parking provision for the development is appropriate and in line with the SCC Parking Strategy in terms of both quantity and sizes together with manoeuvring areas. It should be noted that the 3no tandem parking arrangement as shown is not ideal as it will give rise to excessive vehicular manoeuvring within the site, however, the internal layout will remain private therefore such manoeuvring should not affect the adopted highway.
- Recommended conditions: consolidated access; footway works; construction of accesses; highway drainage; Advance Payment Code (APC) information; estates road; visibility splays; and parking and turning areas to be kept clear.

Housing Enabling Officer (MDC): No objections.

- The revised scheme seeks minor changes to an approved scheme (Ref; 2018/0828/OTS) for 7 units for which a viability assessment was provided by the applicant. The review conducted by an independent viability consultant concluded that it would not be financially viable to provide any

affordable housing units on site or provide any payments in lieu of on-site provision.

- It is considered that there has been no significant change that would now necessitate the requirement to revisit viability of the scheme in terms of affordable provision and therefore the results of the viability assessment remain accepted.

Drainage Officer (MDC): No objections, subject to conditions.

- The site is in Flood Zone 1 and is not shown to be at risk of surface water flooding on the current Environment Agency's Long Term Flood Risk Map.
- The previous use of the site means the majority of the area is currently hardstanding. The proposals reduce flow to impermeable areas of the site through the introduction of permeable paving and soft landscaping. This would mean a reduction in surface water runoff from the site. On brownfield sites we are looking for a minimum 30% reduction in surface water runoff, it is likely that has already been achieved on this site, but the figures should be quantified.
- The proposal to use soakaways is acceptable and the existing soakaway in the adjoining field suggests that this is a feasible option for the site. The applicant will need to confirm the infiltration rates with appropriate testing of the ground and determine the capacity of the existing soakaway in relation to the proposals for the site. Further detail with regards to the rights and ownership of this soakaway will need to be established to ensure that the responsibilities for maintenance of such are agreed and that continued discharge into this system is appropriate. Particularly as it lies outside of the boundary of the site.
- The applicant may also wish to consider other forms of sustainable drainage techniques such as swales and filter drains which could further enhance the landscape and add a layer of treatment to the runoff from the roads. The applicant will need to ensure that any runoff proposed to discharge to a soakaway does not pose a pollution risk to groundwater. I am thinking specifically of the access roads and parking areas. Some source control measures will aid in providing that first level of treatment prior to discharge to ground.
- With regards to foul drainage the proposal is for a package treatment plant this will need to discharge to a drainage field rather than a soakaway to be in accordance with the general binding rules for small sewage discharges to the ground. As with the surface water.

Environmental Protection Officer (MDC): No objections subject to conditions

- Recommended conditions: construction hours; noise management plan; internal noise levels; glazing specification.

Contaminated Land Officer (MDC): Recommend watching brief informative.

- Due to the redundant petrol filling station on the land opposite the application site and the location of a historic blacksmith on the land to the south, a watching brief is recommended.

Historic Environment Officer (SCC): No objections on archaeological grounds.

County Ecologist (SCC): No objections, subject to conditions (summary of final comments following submission of additional information).

- Following submission of additional information on the package treatment plant and nutrient neutrality assessment, an HRA has been prepared and agreed with Natural England. The conditions as set out in the HRA should be attached to any planning permission.

Natural England: No objection subject to conditions (summary of final comments following submission of additional information)

- Following review of updated information and HRA, there are no objections subject to the inclusion of conditions as set out in the HRA.

Representations - The Local Planning Authority has received 1 letter of objection, 2 neutral and 1 of support, raising the following issues (summarised):

Objection:

- Wrong to demolish historic buildings
- Overdevelopment
- Poor local facilities and infrastructure
- Slow broadband speed

Support:

- Improvement to the current eye-sore

Neutral:

- Support recommendations of bat survey
- Highways safety concerns
- Parking concerns
- Road surface on shared access should be upgraded as part of this proposal

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

Policies/ legislation:

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (2021)
- Somerset Waste Core Strategy
- 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
- CP3 - Supporting Business Development and Growth
- CP4 - Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure
- DP20 - Reuse of Employment Sites
- DP22 - Reuse and Conversion of Rural Buildings
- DP23 - Managing Flood Risk

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

- DP25: Employment Land

Other possible Relevant Considerations (without limitation):

National Planning Policy Framework (NPPF), 2019

Planning Practice Guidance (PPG), 2012

Somerset County Council Parking Strategy, 2013

Somerset County Council Standing Advice, 2015

Mendip District Council SPD - Marketing and business evidence to support planning applications

Natural England standing advice 'Bats: advice for making planning decisions' (2022)

Assessment of relevant issues:

Principle of the Use:

The application site is located outside the development limits of any settlement and as such is within a location where development is strictly restricted, having regard to the provisions of Policy CP1, CP2 and CP4 of the Local Plan, Part 1 (adopted 2014).

The Local Planning Authority cannot currently demonstrate a five-year rolling supply of deliverable housing sites. The National Planning Policy Framework (NPPF) therefore advises that where the Council cannot demonstrate a five-year supply, the presumption in favour of sustainable development as set out in paragraph 11(d) must be considered.

Members of the Planning Board resolved that the principle of development here was acceptable under a

previous application (2015/2852/FUL) and specifically did not refuse the application on matters relating to the principle of residential on this site.

The permitted application in 2016 (2016/1434/FUL) included a 'Trading and Financial History' report which was deemed acceptable to meet the policy requirements of DP17.

Outline planning permission 2018/0828/OTS (see above) allowed 7 dwellings on this site, with 2 dwellings provided in converted buildings belonging to the former Queen's Arms and the erection of 5 detached dwellings to the rear. The current scheme proposes the erection of 7 new build dwellings, to include the demolition of the existing buildings.

At the time the current planning application was validated (26.05.2020), the previous application (2018/0828/OTS) had not expired (expiry date 18.10.2021) and was considered extant. Due to the delay determining this application associated with overcoming the phosphates issue, 2018/0828/OTS has now expired. It is understood that works have not started in planning terms therefore this permission is not extant. Nevertheless, planning permission has been granted at this site in 2016 and 2018.

Policy DP17 makes clear that the loss of premises last used for local services and facilities (including commercial facilities such as pubs) will only be permitted where there is suitable alternative provision; maintenance of the existing use would perpetuate environmental problems or (for commercial uses) there is 'no likelihood of a viable community use'.

The previous outline planning permission accepted the loss of the public house as it had been demonstrated that there was no prospect of the site being re-used for any commercial purposes. As the site has been long term vacant and considering the planning history of the site, there is no objection to the proposed loss of the former public house in this application.

The former public house is not a listed building and has no special designation that would warrant its future retention.

It should also be noted that the Parish Council offers their support to the principle of the development (see comments above).

Ecology:

A phase 1 and 2 bat survey has been submitted with this application which confirms the site has been supporting bat roosts. Surveys also revealed other bat activity including "one common pipistrelle, one soprano pipistrelle and one brown long-eared bat were recorded entering the building." As the bat roosts within the property will be lost to accommodate the proposed development, a European Protected Species licence or Bat Low impact Class Licence from Natural England will be required following planning approval and prior to any works commencing on site.

Natural England standing advice 'Bats: advice for making planning decisions' is a material consideration to planning applications. This states that where retention of bat habitat is unavoidable, the following must be followed:

“If the destruction of a bat roost is unavoidable, you must make sure:

- *there is no net loss of roost sites*
- *roost types are replaced on a like-for-like basis*
- *the affected bat population can continue to function as before”*

The submitted bat survey sets out the mitigation strategy including supervision of construction works, a toolbox talk to construction workers, temporary roost replacement and permanent replacement roosting features within the new properties.

An ecological enhancement plan has also been included, which includes “installation of three RSPB bird boxes, one Habibat bat box and over sowing the lawns with a wildflower seed mix.”

The recommendations set out in the application are concluded to be acceptable, and in accordance with Natural England’s Standing Advice. Conditions are recommended to ensure the recommendations of the bat survey are followed; biodiversity net gain features are delivered as per commitments in the application; works are supervised by a licenced ecologist; installation of bat boxes during construction; a bat licence is secured; and lighting is controlled. Subject to the conditions as recommended, the application is considered acceptable in relation to impact on ecology and biodiversity net gain.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There is a major issue with nutrients entering watercourses which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavorable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The applicant has submitted additional information to demonstrate how the issue of phosphates and foul drainage will be dealt with, to mitigate the impact of the development to the Somerset Levels and Moors Ramsar. This includes an onsite package treatment plant with no chemical dosing. This is supported by a nutrient neutrality assessment. This is considered acceptable to the SCC Ecologist, who has prepared an HRA which has been agreed with Natural England. The HRA concludes the proposal is acceptable subject to the inclusion of three conditions, which are recommended accordingly.

It is therefore concluded the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

Flooding and Drainage:

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

The Drainage Officer has raised no objections to the development, in regards to the impact of surface water drainage and flooding, subject to the attachment of relevant conditions relating to securing further details of the surface water drainage arrangements. With the attachment of these conditions the

proposal is considered to be in accordance with Policy DP23 of the adopted Local Plan Part 1 (2014).

Housing Mix and Type:

The development proposes an acceptable mix of dwellings sizes (1 x 2 bed and 6 x 3 bed dwellings), which are aimed at the local and district wide need for smaller sized family dwellings. The scheme includes an extra 3 bed unit in comparison to the previous approval.

It is considered that the scheme accords with the requirements of Policy DP14 of the Local Plan.

As the site has less than 10 dwellings, there is no requirement for affordable dwellings. The Housing Enabling team has confirmed this is not required.

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

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to their local context. Policy DP4 recognizes the quality of Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

The previous planning permission approved the erection of detached dwellings on this site with the same design, scale, massing and appearance in regard to Plots 3-7. However, the dwellings at Plots 1 and 2 are now proposed as new build dwellings, rather than being created through the conversion of existing buildings.

The design, scale, massing and appearance of the dwellings proposed at Plots 1 and 2 respond well to the existing development and the local context of dwellings found within this locality. As such it is considered that the development will preserve the character and appearance of the area and the wider landscape.

It is considered that the proposed layout provides appropriately sized gardens and acceptable parking, turning and access areas and the development as a whole will not appear adversely cramped or contrived in appearance or layout. The proposed density of the development (7 dwellings) has already been established and it is not considered to represent an over development of the site. Considering the scale and form of development, and the comments from the Highway Authority, the triple parking bays are considered acceptable in this instance.

Following the submission of a schedule of materials, the proposed materials would complement the character of the locality.

With the attachment of relevant conditions (external materials and landscaping), 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, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

Policy DP7 of the Local Plan states that new development should protect the amenities of neighbouring occupiers and users, and provide an adequate standard of amenity for the benefit of future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

It is considered that the proposal would provide an adequate amount of amenity space for the enjoyment of future occupiers. Within the development itself, it is considered that the proposed dwellings would relate to one another in a way that would not result in significant harm to the amenities of future occupiers.

The Environmental Protection Officer has raised no objections subject to the attachment of conditions.

The glazing condition recommended by the Environmental Protection team would ensure appropriate glazing at plot 1 adjacent to the A37. This is reasonable and meets the tests for conditions. The condition recommending noise controls within dwellings and gardens is not reasonable for residential development, and this should be controlled via noise legislation as is common for residential development. Similarly, the requirement for a noise management plan to protect the amenity of neighbouring occupants is not necessary for 7 dwellings and would not meet the conditions test. The recommended condition limiting construction activity times is reasonable and necessary to safeguard neighbouring residential amenity during the construction period and this condition is therefore recommended.

Given the nature of the proposal, including its layout, scale, and design, and the stand-off distances between the proposed units and existing curtilages and buildings, and the site levels between given units and their nearest neighbouring properties, it is considered that the proposal would not result in significant adverse effects in relation to neighbouring occupiers, in terms of their outlook, privacy, or access to light.

Subject to the use of the aforementioned conditions, given its siting, scale, and design, it is considered that the proposal would not result in significant harm to the amenities of neighbouring occupiers in terms of their outlook, privacy, access to light, or the general enjoyment of their home environments. In these respects, the proposal is considered to be in accordance with Policies DP7 and DP8 of the adopted Local Plan Part 1 (2014).

Contaminated land:

The Contaminated Land Officer raises no objections to the proposal, subject to the attachment of a watching brief informative, for mitigating against any potential unknown contamination that may be discovered/ uncovered. This is recommended accordingly.

Highway Safety, Access and Parking:

Policy DP9 and DP10 set out a range of criteria to ensure that new development provides safe access arrangements.

This Highway Authority (HA) has offered no objections to the scheme, subject to the inclusion of standard conditions. The Highways Engineer has not objected to the scheme in relation to highway safety, highway capacity or parking.

The Highway Engineer has confirmed that following the submission of additional information, the access off the A37 is now acceptable as it allows vehicles to enter and leave the site forwards and in first gear. The Parish Council has outlined concerns with this access and, although not objected to the proposal, has recommended this part of the proposal be amended. Following the submission of additional information and updated comments confirming the HA does not object to this on highway safety grounds, on balance this element is considered acceptable. The bound surface accesses condition as recommended by the Highways Engineer has been amended to fit with the Council's agreed condition wording, including reference to the proposed site plan which shows the accesses, and it does not include details to be agreed by the Local Planning Authority as this is not considered necessary. The HA has recommended two conditions on the accesses, these have been amalgamated into one condition within the recommendation.

The application includes widening of part of the footway to 2m adjacent to Wraxham Road. There is currently a very narrow footway adjacent to the former public house building and no footway adjacent to the existing car park. This 2m footway would enhance the scheme allowing occupants a more appealing pedestrian access the other parts of the local footway network. This element of the scheme is considered acceptable to the Highway Engineer. A condition is recommended which would require delivery of this footway prior to any occupation of the development. As this is adjacent to the highway and for public use, the details of the footway should be agreed with the LPA (and subject to consultation with the HA), to ensure it is delivered. This work is also subject to a legal agreement with the HA. Although the HA has recommended reference to the legal agreement is contained in a condition, this would not meet the conditions tests therefore this is recommended as an informative.

The condition as recommended by the HA relating to highway drainage is covered by Building Regulations therefore it is not necessary to recommend as a condition.

The HA has confirmed that given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption therefore the development will be liable for the Advance Payments Code (APC). As inclusion of this information would not meet the tests for conditions, this is recommended to be included as an informative.

An estates road condition is recommended. Regardless of whether the estates road will be adopted, this condition is required to ensure estates road condition is required to ensure the estates roads are delivered to an acceptable standard.

The HA has recommended two very similar conditions on visibility splays. This is assumed to be an error as only one condition is necessary, and one conditions is recommended accordingly. The trigger for this

condition is amended from pre-commencement to pre-occupation, which is considered more reasonable.

Although triple parking bays are not ideal, considering the scale and scope of development and that the HA has not objected to this, on balance this is considered acceptable in this case. The condition recommended by the HA for vehicular parking and turning areas to be installed and kept clear is recommended with slightly amended to reflect standard condition templates.

A neighbour has raised concerns that inappropriate parking practices could block their access. This would be a civil matter and cannot form part of the planning assessment. The parking as set out in the application is considered acceptable to allow the application to be approved.

A neighbour has also requested road surfacing upgrades. Footway widening with associated works is included as part of the application and would be controlled via conditions/legal agreement. The scope and scale of development and associated works is concluded to be acceptable.

There is a cycle route along Wraxall Road, which crosses the A37. An informal query has been raised as to the scope to require this application to facilitate cyclist signage at this crossing. This would not meet the national tests for conditions or planning obligations as this would not be necessary to make the development acceptable. As such, this is not recommended.

In conclusion on this matter, the proposal is considered to be in accordance with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014), in addition to the guidance in part 9 of the NPPF.

Energy Conservation and Efficiency:

Policy DP7 of the Local Plan requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; and new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The applicant has provided a lack of detail in regard to energy conservation and efficiency measures (see Design and Access Statement), other than stating that the applicant is considering the installation of solar panels and that habitable rooms will make the most of solar gain.

Given the requirements of Policy DP7 of the Mendip District Local Plan, it is considered reasonable to attach a condition requiring the submission of a sustainability statement demonstrating how this issue would be addressed through the construction of the development. A further condition for rainwater harvesting is also recommended which is reasonable in order make efficient use of water.

With the attachment of the above conditions, it is considered that the development can be designed and constructed to address the requirements of Policy DP7 of the adopted Local Plan Part 1 (2014).

Archaeology:

The Historic Environment Officer at Somerset County Council has raised no objections to the proposal in relation to impacts to archaeology.

Refuse and recycling:

Each dwelling unit has adequate outdoor amenity space to provide refuse and recycling bins/ containers, which would be brought out to the highway on collection day. These arrangements are considered to be acceptable.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion and Planning Balance:

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The delivery of 7 new homes is a recognised benefit and given significant weight. Economic benefits would also be delivered both through the construction period and through the lifetime of the development. There will be some environmental benefits through the biodiversity net gain.

Given the history of the site, the principle of development is considered acceptable in this case as the harms do not demonstrably outweigh the benefits to the scheme. Following the submission of further information on the proposed package treatment works, the application is concluded to be nutrient neutral, which is accepted via HRA by SCC Ecology and Natural England. Subject to the inclusion of conditions as recommended, the application is concluded to be acceptable in all other regards including ecology and impact on bats, highway safety, drainage, design and layout, amenity, archaeology and contaminated land.

The application is therefore recommended for approval subject to conditions.

Recommendation

Approval

Conditions

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

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

- MDS 1344/100 F - SITE LOCATION PLAN - received 10.05.2020
- MDS 1344/101 F - SURVEY INFORMATION 1 - received 10.05.2020
- MDS 1344/102 F - SURVEY INFORMATION 2 - received 10.05.2020
- MDS 1344/103 G - PROPOSED SITE PLAN & ILLUSTRATIVE STREET SCENE - received 13.07.2020
- MDS 1344/104 F - PROPOSED LAYOUTS PLOTS 3, 4 AND 5 - received 10.05.2020
- MDS 1344/105 F - PROPOSED LAYOUTS PLOTS 6 AND 7 - received 10.05.2020
- MDS 1344/106 F - PROPOSED UNITS 1 AND 2 - received 10.05.2020
- J17-007-001 A - EXISTING FOUL AND SURFACE WATER DRAINAGE LAYOUT - received 26.05.2020
- J17-007-002 A - PROPOSED FOUL AND SURFACE WATER DRAINAGE - received 26.05.2020

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

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

No construction of the external walls of the development shall commence until a detailed schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. All materials will be consistent with the Schedule of Materials received 03.03.2023. The development shall thereafter be carried out only in accordance with the approved details.

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

4. **Construction Hours (Compliance)**

Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays-Fridays and between 08:00 and 13:00 on Saturdays, and shall not take place at any time on

Sundays or on Bank or Public Holidays.

Reason: To protect the amenities of the occupants of adjacent residential properties in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Plot 1 Glazing Specification (Pre-Occupation)**

Plot 1 shall not be occupied as a dwelling until acoustic details of double glazing and background ventilation provision serving habitable rooms in the west elevation (facing the main road) of this unit has been submitted to and approved, in writing, by the Local Planning Authority, and those measures installed. The development shall thereafter be carried out and occupied in accordance with the approved details and the measures shall be permanently maintained.

Reason: To protect the residential amenity of occupiers in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

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

7. **Drainage - Foul (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling(s).

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment.

8. **Nutrient Neutrality Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved 'PROPOSED ERECTION OF SEVEN HOUSES ON LAND AT THE QUEENS ARMS PUBLIC HOUSE, WRAXALL ROAD, SHEPTON MALLETT, BA4 6RQ - STATEMENT ON NUTRIENT NEUTRALITY' reference 'RMA-LC2218_7 - Queens Arms Wraxall NN' dated 01.02.2023. This shall include installation of a Package Treatment Plant that does not require any chemical dosing and achieves 0.80 mg/l concentration of phosphorous per litre of effluent discharged.

If the Package Treatment Plant needs to be replaced in the future, the replacement Package Treatment Plan must include a biological treatment (with no chemical dosing) with 0.80 mg/l concentration of phosphorous per litre of effluent discharged or less.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority 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 and Chapter 15 of the National Planning Policy Framework 2021.

9. **Package Treatment Plant (PTP) Maintenance Plan (Pre-Occupation)**

No occupation shall commence until a detailed Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Maintenance Plan shall include:

- a. Details of management arrangements to ensure the package treatment plan adheres to the 'PROPOSED ERECTION OF SEVEN HOUSES ON LAND AT THE QUEENS ARMS PUBLIC HOUSE, WRAXALL ROAD, SHEPTON MALLETT, BA4 6RQ - STATEMENT ON NUTRIENT NEUTRALITY' reference 'RMA-LC2218_7 - Queens Arms Wraxall NN' dated 01.02.2023
- b. Formal confirmation of management arrangements of an OFWAT registered provider in perpetuity.
- c. Details of ongoing annual monitoring arrangements
- d. Confirmation of permit arrangements with the Environment Agency

The development shall accord with the approved Maintenance Plan in perpetuity.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority 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 and Chapter 15 of the National Planning Policy Framework 2021.

10. **Package Treatment Plant (PTP) Requirements in Phosphate Affected Area (Pre-Occupation)**

The dwelling hereby approved shall not be occupied until:

- i. the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with; and
- ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

11. **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 technical specifications, 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, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

12. **European Protected Species Mitigation Licence (Pre-commencement)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

13. **Provision of Bat Boxes During Construction (Bespoke Trigger)**

If any bat(s) are discovered during construction works, works shall cease until an improved cavity bat box has been installed to accommodate any discovered bat(s) during construction works. The bat box(es) shall be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. The bat box(es) shall be retained thereafter in perpetuity.

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).

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

All 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).

15. **Bound/Compacted Vehicle Accesses (Pre-occupation)**

No occupation shall commence until the approved vehicular accesses have been constructed in accordance with drawing MDS 1344/103G 'Proposed Development' with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

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

16. **Footway Adjacent to Wrexham Road (Pre-occupation)**

No part of the development hereby permitted shall be occupied until a 2m wide footway as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G has been carried out in accordance with a design and specification to be approved in writing by the Local Planning Authority and to be fully implemented in accordance with the approved details.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The proposed estate roads, footpaths, verges, junctions, street lighting, carriageway gradients and drive gradients shall be constructed, laid out and maintained in accordance with details to be approved by the Local Planning Authority in writing before the construction of any aspect of the new section of the highway begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, method of construction and proposals for future maintenance shall be submitted to the Local Planning Authority.

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

18. **Visibility Splay (Pre-Occupation)**

Before the development hereby approved is occupied the appropriate visibility splays must be provided for both vehicular accesses as shown on Proposed Site Plan Dwg No: MDS 1344/103 rev G. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge. Such visibility shall thereafter be maintained at all times.

Reason: To ensure sufficient visibility is provided 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)

19. **Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the vehicular parking and turning areas have been constructed in accordance with details shown on the approved plan Proposed Site Plan Dwg No:

MDS 1344/103 rev G. The vehicular parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Renewable Energy (Bespoke Trigger)**

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

Reason: To ensure the development meets the Council's climate change objectives in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works.

21. **Water Efficiency - Rainwater Harvesting (Pre-Occupation)**

No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

22. **Hard Landscaping (Pre-occupation)**

No occupation shall commence until a hard landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of existing and proposed walls, fences, ground levels, other boundary treatment and surface treatment of the open parts of the site, and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policies 1, 3, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

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

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

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

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

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

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

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

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

although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. Contaminated Land Watching Brief

If any unforeseen contamination is found during excavations, Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

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

4. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.

5. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 01458 837100) prior to commencing works adjacent to the public highway.

6. 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.

7. 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.

8. 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/>

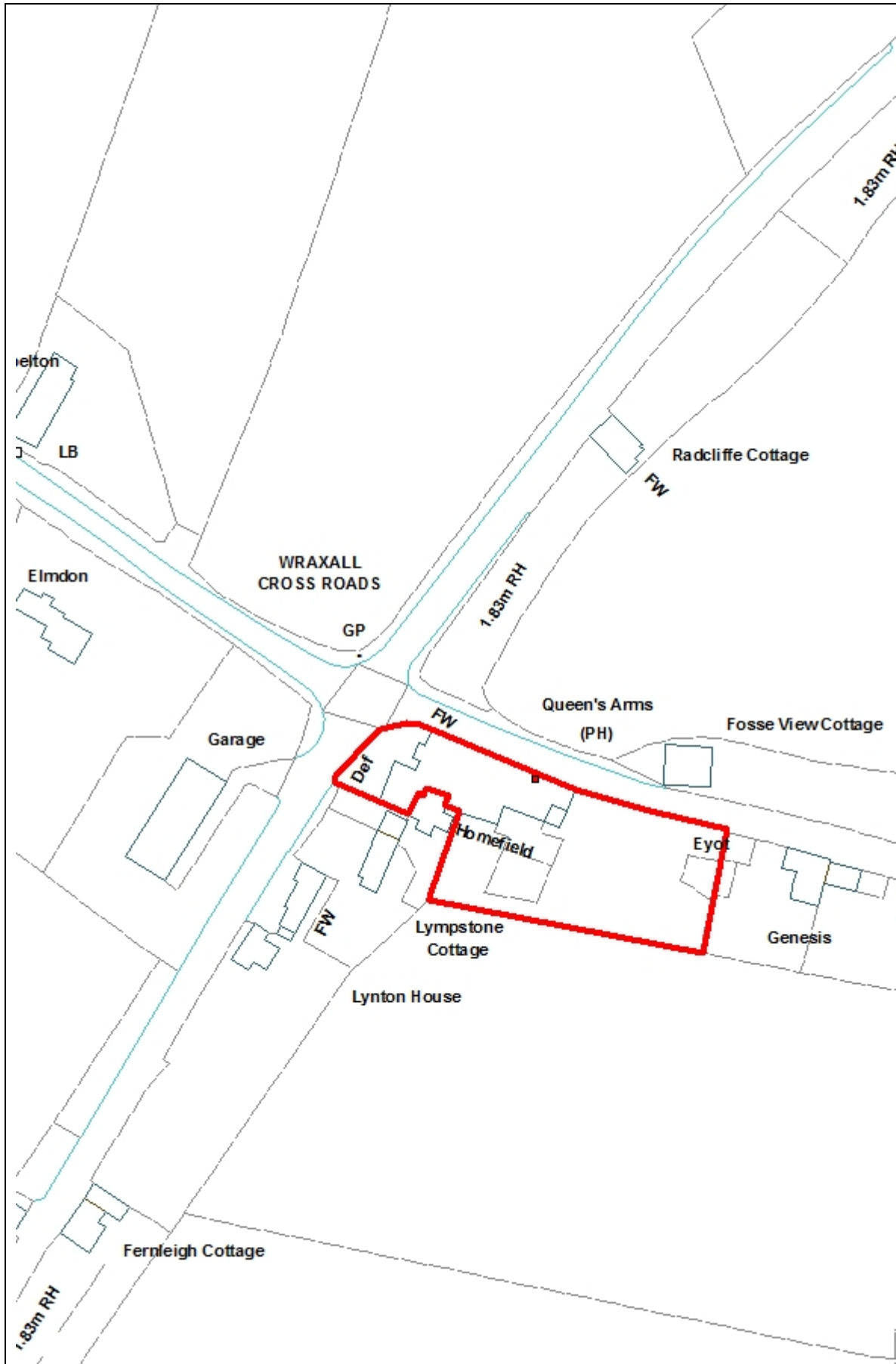
9. Footway Works Legal Agreement:

The provision a 2m wide footway adjacent to Wrexham Road as shown on submitted plan Proposed Site Plan Dwg No: MDS 1344/103 rev G and required through planning condition will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works.

10. Advance Payments Code (APC):

The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Given the constraints of the existing access,

it will not be possible to construct an estate road to a standard suitable for adoption. Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.



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Case Officer	Carlton Langford
Site	Corner Cottage Quarry Lane Leigh On Mendip Shepton Mallet Somerset
Application Number	2022/0053/OTS
Date Validated	18 January 2022
Applicant/ Organisation	R J Cole
Application Type	Outline - Some Matters Reserved
Proposal	Application for Outline Planning Permission with some matters reserved for the erection of 3 no. dwellings with details of access.
Division	Mendip Central And East Division
Parish	Leigh On Mendip Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What3words: **smoking.unions.typified**

Planning Board Referral:

This application has been referred back to the Planning Board following its deferral at the meeting on the 29th March.

The Planning Board deferred the application requiring the following additional information:

1. Highway safety issues. Concern about the speed limit on the section of highway adjacent, notwithstanding Emma's comments at the meeting confirming the speed limit of 30mph as stated in the report pack and as shown on the Highway Authorities Road plan. The presence of a 60 mph sign that shows on google confused members. In addition, one member raised concerns if the 43.0 M visibility splays could be achieved.
2. Impact of the development on the significance of the setting of the Village Church – Grade 1 Listed. On this point, and notwithstanding the conclusions that were reported Members have requested that we report the views of the Conservation Officer who did not offer any comment on your application or on 2020/0721/OTS (the earlier submission).

Access:

In response to Member concerns, the applicant has amended the visibility splays at the proposed access point recognising that the access enters the highway at the point only just within the 30mph speed limit and that the splays to the north are within the national speed limit requiring further visibility. Amended Plans Received.

The revised plans maintain a visibility splay to the south within the 30mph limit of 2.4m x 43m and the north visibility has been increased to 2.4m x 59m which is considered sufficient given the nature of the road and that traffic within the north splay will be slowing on approaching the 30mph speed limit.

The Highway Officer, maintains, as previously, that the proposal is acceptable in terms of highway safety, providing a safe means of access and egress with adequate off-street parking provision. In accordance with Policies DP9 and DP10 of the Local Plan and having regards for paragraph 111 within Chapter 9 (Promoting sustainable transport) of the National Planning Policy Framework (NPPF), the proposal is acceptable in terms of highway safety with no residual cumulative impacts on road safety which might be considered severe.

Setting of Heritage Asset:

In respect of the setting of the Grade I Listed Church site to the west of the application site the case officer concluded that there are existing developments between the application site and these assets and it is not considered that their setting will be adversely harmed by the proposal.

To expand on this conclusion and having regard for the Good Practice Advice provided by Historic England (2017), setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage.

In assessing the wider setting surrounding the Grade I Listed Church and other nearby listed buildings, it was concluded that over centuries the village has expanded in a linear fashion with single plot depths following Leigh Street. The development as proposed merely extends this linear pattern of development providing further single plots depths along the street. Therefore, the surroundings in which the asset is experienced changes little and the setting is largely preserved.

The Council's Conservation Officer has since reviewed the proposal and agrees with the case officer's assessment and concludes:

"I have no objection to the principle of the erection of 3no. dwellings on the application site and, as an outline application, the development will not result in any harm to the significance of the Grade I listed Church of St Giles. The usual considerations over design, scale and materials etc. will, of course, be key in determining the reserved matters and should likely reflect the traditional, rural village location in order to maintain this position. A standard set of 'house types' of 'anywhere architecture' would be inappropriate and should be avoided. Appropriate landscaping and boundary treatments will also be key in softening the development. I recommend that the gap between the houses be aligned with the spire of the church in order that some visibility of this is maintained in the immediate street scene."

Notwithstanding the matters which can be resolved through any subsequent application for reserved matters which will include, appearance, layout, scale and landscaping for the development, it is concluded that having regard to the above, no material harm to the setting of the designated heritage asset(s) has been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

Cllrs will appreciate that whilst a recent extensive scheme for housing extending over 2.5ha to the north of the asset was recently refused planning permission having regard for its harmful suburbanised character having an adverse impact on the setting of the asset. However, the nature of the scheme, to include its excessive scale and estate layout was different in all aspects to the proposal currently before you and completely eroded the surroundings is which the asset is experienced.

The rest of this report replicates the original officer report and recommendation that was presented to the Mendip Planning Board on the 29th March. The recommendation remains for approval.

Description of Site, Proposal and Constraints:

The application relates to land north of Corner Cottage, Leigh on Mendip, Radstock, BA3 5QG. The application site is accessed from a northbound unclassified road with a 30mph speed limit. Currently the site is vacant.

The application site falls outside of designated development limits as defined by Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP). The application site also falls within Band C of the Mells Valley Special Area of Conservation (SAC), a Bat Consultation Zone, a SSSI Impact Risk Zone and a Coal Development Low Risk Area. Additionally, the site is close to Halecombe Quarry and Barn Close Quarry and hence is within the mineral safeguarding area in the Somerset Minerals Plan (2015).

The application seeks outline planning consent with all matters reserved save for access which is being considered. The plot is 0.16ha and the proposed indicative layout would see a detached dwelling and a pair of semi-detached houses.

As access is the only matter being considered at this stage, the application is being determined only on the basis of the access shown on the Site Layout Plan. The proposed internal site layout and the building outline shown on plan are therefore for illustrative purposes only.

This application is a repeat application to that refused by the Council in 2021 (See Below). The application, therefore, seeks to address the previous reasons for refusal which related to -

- The sterilisation of the nearby mineral extraction.
- Impact on ecology, no surveys carried out and no protection, mitigation or enhancement proposed.
- No surface water drainage scheme submitted needed to satisfy the Local Planning Authority that an acceptable surface water drainage solution can be achieved to prevent flood risk and
- ensure adequate pollution control of watercourses on the site.

Relevant History:

2020/0721/OTS - Application for Outline Planning Permission with some matters reserved for the erection of 3 no. dwellings with details of access. Refused Jan 2021 for the following reasons: -

1. The proposed residential development falls within a Mineral Safeguarding Area and the application fails to demonstrate that the proposed housing development would not sterilise future mineral extraction at the nearby Halecombe Quarry and Barns Close Quarry. The proposal is therefore contrary to policy SMP9 of the Somerset Minerals Plan (2015); the

NPPF, particularly section 17; and the Mineral Products Association/Planning Officer Society (POS) practice guidance for mineral safeguarding.

2. The site is greenfield and within Band C of the Mells Valley Special Area of Conservation (SAC) a Bat Consultation Zone which is designated for its horseshoe bat features. The application has failed to adequately demonstrate the presence or otherwise of protected species (bats and reptiles) on the site and how they or their habitat will be protected or enhanced. The proposal also has not demonstrated any proposals for appropriate mitigation and biodiversity gain. Accordingly, there is a significant risk that the development would have a harmful impact on protected species and would result in the net loss of biodiversity. The development therefore conflicts with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the National Planning Policy Framework, particularly section 15.

3. The proposal would result in a large increase in impermeable surface areas and the proposed soakaways have not been adequately demonstrated to be a suitable solution for the disposal of surface water. Furthermore, no alternative receptor has been identified. Accordingly, inadequate information has been submitted to satisfy Local Planning Authority that an acceptable surface water drainage solution can be achieved to prevent flood risk and ensure adequate pollution control of watercourses. The development is therefore contrary to policy DP8 and DP23 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014) and the National Planning Policy Framework, particularly section 14.

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

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

Ward Member: No Response

Parish Council: Recommend refusal.

- Principle – Isolated and remote from the limited services in the village
- Minerals safeguarding
- Concern with Access, Highways Safety and Traffic Generation given proximity to school

Local Highway Authority (SCC Highways): No Objection Subject to Condition

Land Drainage Engineer: No objections - Revised infiltration testing results and soakaway design in accordance with BRE Digest 365 have been submitted, these address the concerns regarding infiltration on the site raised in our previous comments.

SCC Ecologist: No objections subject to imposition of standard conditions.

Mineral Planning Authority: No objections -

- In respect of criteria B of Policy SMP9, this refers to cases where the mineral resource, operations or facilities will not be detrimentally affected, and the development proposal would not suffer unacceptable adverse impacts as a result of the mineral operations. In this case, it is accepted that the existing mineral working and the currently permitted resource being extracted at Halecombe Quarry would not be physically impacted by this proposal.
- However, concern is raised that the introduction of additional dwellings in close proximity, (albeit not closer than the nearest existing dwelling), to a major working quarry may give rise to future complaints by future residents and a possible need to change working operations at the quarry. It is accepted that noise assessments were undertaken in regard to an application to deepen Halecombe Quarry and this found that the impact on existing residential amenity would be acceptable subject to a number of planning conditions. However, from a policy perspective, it is not considered reasonable to rely solely on an assessment made in connection with the deepening of Halecombe Quarry to justify that current working at Halecombe wouldn't be negatively impacted by the development or that future residents would not be adversely impacted. It is recommended that the case officer seek the advice of the acoustics/environmental health officer in respect of whether future residents of the proposed development may suffer unacceptable adverse impacts due to current mineral operations. If it is considered that there would be no unacceptable adverse harm, no mineral safeguarding objection is raised.

Environmental Protection:

- No objections subject to the imposition of a construction hours condition.
- With respect to potential noise disturbance from nearby mineral extraction on end users, I have reviewed all of the information and discussed this with Richard Allard. Given, that other properties are equidistant and already have safeguards as in Condition 14 of the quarry permission (along with several other conditions), and that only one complaint in the last 15 years about general noise from the quarry has been received, we feel it would be unreasonable to refuse this on noise grounds.

Local Representations: 2 letters of objection have been received raising the following summarised issues:

- Highway safety - the access will be dangerous, the 30 limit is not observed on that stretch of road and there are blind bends in both directions, regardless of the visibility considerations in the application. Cars are parked all along that stretch at school drop off and pick up times, which is unlikely to change even if the school get the car park they are hoping for.
- There is no "orchard" to speak of. There is a risk that with this not included as land for the detached house but being retained by the applicant with a plan to build a further three houses on in the future. There should be a covenant in place to avoid this in either case.

- In winter we can and will be able to see straight through the hedge to the gardens of the two semis, and they will be able to see directly into their neighbours garden for years until the proposed new native trees and hedges are fully grown.
- The houses will feel the quarry blasts and have very little protection from the sound of them too.
- Loss of hedgrows will result in the loss of wildlife.

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

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

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

The Council's Development Plan comprises:

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

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

- CP1 - Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP4 - Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- 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 Somerset Minerals Plan are relevant to the determination of this application:

- Policy SMP9: Minerals safeguarding

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
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Mineral Products Association/Planning Officer Society (POS) practice guidance for mineral safeguarding

Assessment of relevant issues:

Principle of the Use:

The application site is situated within the open countryside where under core policies CP1 and CP2 of the Local Plan, development is strictly controlled but may exceptionally be permitted in line with the provisions of Core Policy CP4.

Core Policy CP4, the spatial strategy of the Local Plan, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions within which, the development is not considered to fall.

However, Mendip District Council is currently unable to demonstrate a five-year housing supply. Therefore, the policies within the local plan which seek to direct new residential development towards the principal settlements and defined Development Limits (CP1, CP2 and CP4), in so far as they relate to housing development, can only be given limited weight and are considered out of date.

The proposal is therefore assessed under paragraph 11d of the NPPF which states that where there are no relevant development plan policies or the policies of importance for determination are out of date that permission may be granted under certain circumstances; 11(d)(ii) states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Similarly, to the Local Plan, the policies within the NPPF seek to direct new residential development towards sustainable locations and similar to CP4 a number of exceptions are provided for within paragraph 80 where a dwelling in the countryside might be acceptable.

However, paragraph 80 reads:

"Planning policies and decision should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply..."

Whilst falling outside of designated development limits, the proposal falls on the edge of the built village of Leigh-on-Mendip.

Whilst there is a lack of regular running public transport services within the village, Leigh-On-Mendip is privy to services such as a school, free house and café. The village itself which falls 5 miles equidistance from both Frome and Shepton Mallet as the closest principle settlements and approximately 1 mile from

Coleford and 2 miles from Stoke St Michael, which are both Primary Villages as designated by the Local Plan.

It is therefore considered that residential development here would not be isolated, when judged against the NPPF.

On the previous application for the same development under ref: 2020/0721/OTS, the principle of developing the site was thwarted due to the lack of evidence that the proposal would not impact on existing mineral activity in the area.

As with the previous scheme the proposed residential development has the potential to impact mineral extraction at Halecombe Quarry and Barn Close Quarry. Paragraph 206 of the NPPF notes that development should not be permitted if there is potential to constrain mineral working.

The application now includes a mineral safeguarding assessment, and the County Minerals Officer has concluded that based on the information received, it is accepted that the existing mineral working and the currently permitted resource being extracted at Halecombe Quarry would not be physically impacted by this proposal. The proposal therefore clearly addressed the Council's previous reason for refusal (1) and accordingly, the proposal accords to policies relating to mineral safeguarding within the NPPF paragraphs 206 and 182; and the Mineral Products Association/Planning Officer Society (POS) practice guidance for mineral safeguarding.

The usual planning controls of design, amenity, highway safety and in this case specifically, the scheme now addressing previous reasons for refusal relating to ecology and drainage with the planning balance to follow.

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

The application is in outline with all matters reserved except for access, therefore the specific details of appearance, layout, scale and landscaping will be considered at the reserved matters stage.

Whilst the proposed dwellings would be set to the north by 25m of the host house at Corner Cottage there is a relative separation between this location and the common linear extension of residential dwellings along Leigh Street.

The indicative layout provided demonstrates the application site could easily accommodate the proposed three dwellings without detriment impact to character of the area, and 3 dwellings could be provided here with an acceptable height, scale and massing in relation to the wider context and neighbouring development.

To the south and west of the site are 2 heritage assets. The Grade I Listed St Gile's Church over a 100m to the west and the Grade II Listed Old Vicarage some 75m to the south. There are existing developments between the application site and these assets and it is not considered that their setting will be adversely harmed by the proposal.

Impact on Residential Amenity:

The illustrative drawing indicates that sufficient distance could be achieved between the existing dwellings to the south and the proposed dwellings within the application site, thus ensuring a satisfactory living environment for all.

There is a former farm shop, which is now under residential use, located to the west of the application site though the distance between is acceptable and would not impact amenity of potential residents. There is also a first school to the west, which has the potential to result in noise and traffic generation which may result in disturbance to future occupiers. However, this would be limited to the daytime and is a typical relationship for a school and housing and it is therefore considered an acceptable relationship could be achieved at the reserved matters stage.

The Council Environmental Protection Officer has raised no objections to the proposed residential use of the site save for suggesting the imposition of a restricted construction hours condition. They have also assessed the likely impact of quarry noise on the end users suggesting that it would be unreasonable to raise a noise objection given, that other properties are equidistant and already have safeguards as in Condition 14 of the quarry permission (along with several other conditions), and that only one complaint in the last 15 years about general noise from the quarry has been received.

The proposal, at the outline stage is considered acceptable in regard to policies DP7 and DP8 of the MDLP.

Assessment of Highway Issues:

The access road to the site is unclassified with a 30mph speed limit, the road is narrow and there is a narrow public footpath on one side only. Given this the proposed access would not be considered acceptable for pedestrian use and impact highways safety adversely, though given highways comments this could be overcome through condition and at the reserved matters stage.

The submitted plan DSGN0248_OP_P01_REVC shows that the new access would be 5m in width and would have visibility splays of 2.4m x 43m in either direction. This would be acceptable given the speed restriction along the site's frontage and could be secured by condition.

The proposed car parking provision with two spaces and a garage for each proposed dwelling is acceptable and in accordance with SCC parking strategy; there is ample space within the proposed hardstanding for turning.

Whilst the parish council raise concerns about the access, highways safety and traffic generation given the proximity to school, the LHA is satisfied conditions could adequately deal with satisfied that the enhancements to the access and footway to ensure highway safety for road users and pedestrians and that the trip generation associated with the development would be minimal and hence would not have a severe impact on the local highway network or cause highway safety concerns.

Accordingly, against the test of the NPPF (para 109) and Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) Part 9 the proposal is considered acceptable in highway terms at this outline stage.

Ecology

The site is greenfield and lies with Band C of the Bat Consultation Zone for the Mells Valley SAC and therefore the proposal has the potential to impact ecological networks. A preliminary ecological appraisal was carried out which determined that further surveys were required.

These surveys were not undertaken on the previous submission and the application was rightfully refused on ecology grounds (See Reason for refusal 2).

This current application includes the necessary bat and reptile surveys, and the County Ecologist has concluded that despite the site being within Band C of the Bat Consultation Zone for the Mells Valley SAC which is designated for its greater horseshoe bat feature, the proposed development is highly unlikely to have an effect on greater horseshoe bats and therefore does not propose to carry out a Habitats Regulations Assessment for the application.

However, standard conditions as suggested would need to be imposed to ensure the protection of wildlife and wildlife habitats. Accordingly, the proposal safeguards ecology in accordance with policies DP5 and DP6 of the Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Drainage:

Given the proposed increase in impermeable surface area in association with the proposal and that no drainage information was submitted on the previous application, the Council refused the application (Reason 3) on drainage grounds as it was not clear whether a soakaway would be a suitable solution for the disposal of surface water.

This current application is now supported with clear infiltration testing results and soakaway design in accordance with BRE Digest 365, these address the concerns regarding infiltration on the site and successfully address the previous reason for refusal on drainage grounds.

Whilst no information has been provided regarding foul drainage from the site, a public foul sewer is located in Leigh Street and therefore in accordance with Environmental Agency Legislation, the properties will be connected to this mains sewer. Although, it would be prudent to impose a condition to ensure an appropriate foul system for the development is provided.

The development therefore accords with Policy DP8 and DP23 of MDLP and Part 14 of the National Planning Policy Framework.

Refuse Collection:

Although no specific storage location has been identified, there is sufficient space within the layout to provide refuse storage and the internal road layout would allow for refuse vehicles. It is therefore considered a condition could adequately ensure sufficient provision for refuse storage and 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:

With regard for the potential future development of the 'orchard', any proposal would be subject to formal planning permission where the merits of the development would be taken into consideration. The Council has no legal powers to impose covenants on land.

Conclusion and Planning Balance:

This current application has successfully addressed the 3 previous reasons for refusal for the development of the site.

Whilst it is acknowledged that the development will be beyond the edge of the village and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development, CP1 and CP2, it cannot be described as being in isolated open countryside. The Council does not have a five year housing land supply therefore the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional 3 dwellings will make a modest contribution to housing in the district, which is of some weight. There will also be limited economic benefits through the construction period, and new occupants of the village result may use local services and facilities contributing to their long term viability. This again has limited economic and social benefits

The assessment of the application has not identified any harm in terms of landscape and visual impact, impact on heritage assets and/or highway safety concerns. Whilst the new dwellings will be visible, they will be seen against the backdrop of the village behind. Furthermore it has been demonstrated that the application site is accessible to some local services and facilities, and the future occupants are not wholly reliant on the private car.

Overall any harm arising from the application scheme are not considered to be significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted.

Recommendation

Approval

Conditions

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

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

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

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

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

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

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

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Reserved Matters Detailed Requirements (Compliance)**

Plans and particulars of the reserved matters referred to in condition (03) above shall include details of:

- (a) provisions for the parking of vehicles and bicycles within the site in accordance with the Somerset County Council Countywide Parking Strategy (2013).
- (b) the space to be provided for the loading, unloading and turning of vehicles within the site.
- (c) provision for a Electric Vehicle Charging Strategy (EVCS)
- (d) details for the storage of waste and recycling bins for each dwelling on site

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

5. **Vehicular Access (Compliance)**

The vehicular accesses hereby approved shall not be brought into use until they have been

constructed in accordance with details shown on Drawing DSGN0248_OP_P01_REVD. The vehicular accesses shall thereafter be permanently retained in accordance with the approved plans.

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

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

No occupation of the development shall commence until the visibility splay shown on Drawing DSGN0248_OP_P01_REVD have been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No development shall take place until an annotated tree and hedgerow protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees and hedgerows to be retained and provide a 10m buffer between the Orchard and the application site, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan should include the design of fencing proposed and take into account the control of potentially harmful operations such as the position of service runs, storage, handling and mixing of materials on site, burning, and movement of people and machinery.

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

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.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

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

9. **Nesting Bird Protection (Bespoke Trigger)**

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Drainage - Foul (Pre-commencement)**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwellings.

Reason: In order to ensure the provision of satisfactory drainage and avoid pollution of the environment. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy.

11. **Plans List (Compliance)**

This decision relates to the following drawings:

DSGN0248_OP_LB01_REVA

DSGN0248_P_ES01

DSGN0248_OP_P01_REVD

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

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. **Condition Categories**
Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

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

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

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

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

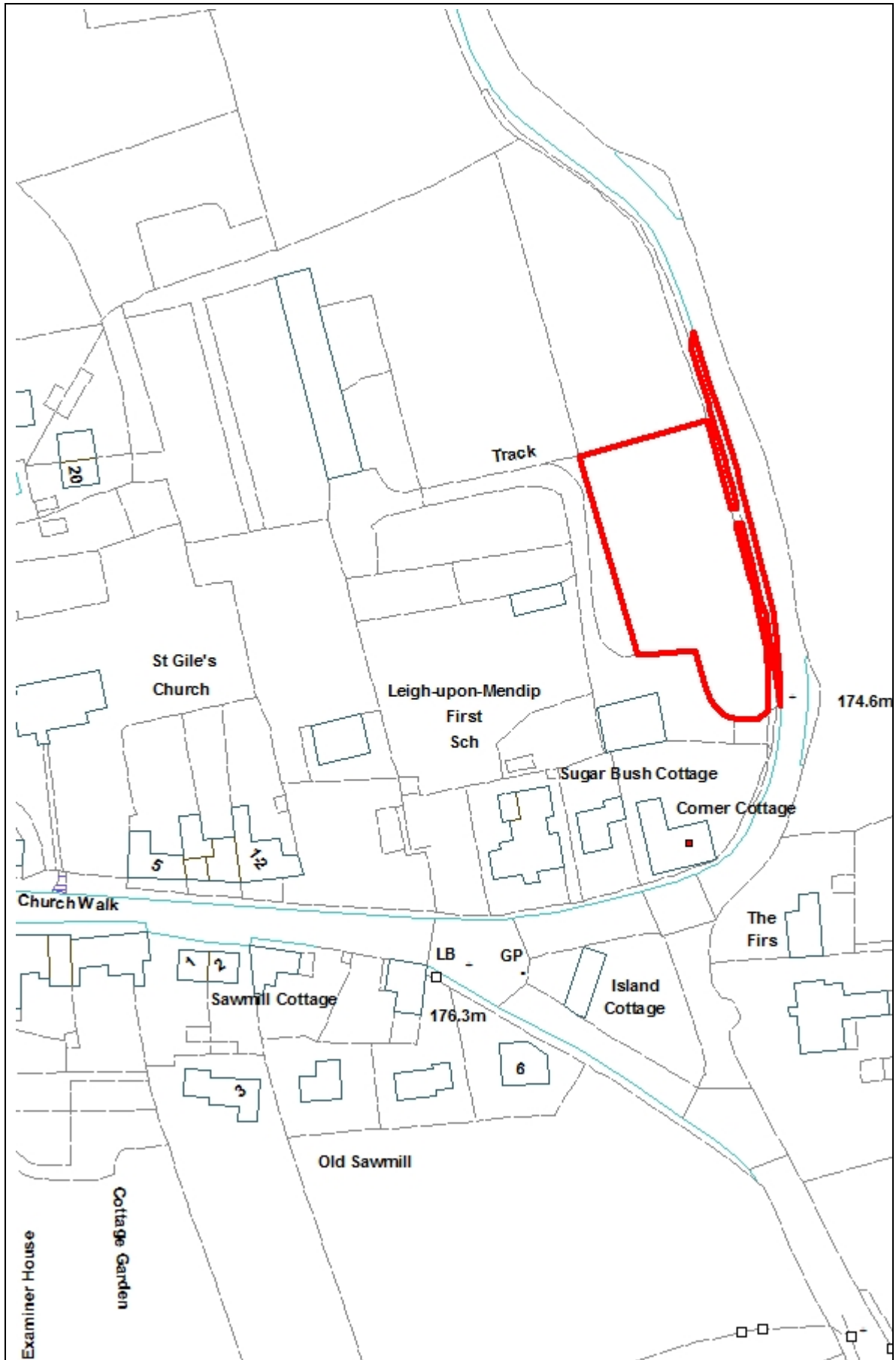
Please note all conditions should be read fully as these headings are intended as a guide only.

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

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

3. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 01458 837100) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
5. 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.
6. 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.

7. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.



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Agenda Item 8

Case Officer	Carlton Langford
Site	Land At 355763 143568 Upper Wellesley Lane Dulcote Wells Somerset
Application Number	2019/1577/FUL
Date Validated	26 June 2019
Applicant/	Professor AJ and Dr KJ Andrew Bradley
Organisation	Quality Milk Management Services Ltd
Application Type	Full Application
Proposal	Proposed new dwelling, new access, and associated development.
Division	Mendip West Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What3words: **newlywed.publish.migrants**

Referral to Planning Board:

Updating Report.

This application is being brought back for consideration following its deferral at the meeting of the Mendip Planning Board meeting on the 22nd April 2020.

At the meeting, Members remained unclear as to whether the applicant had a case for being a rural worker and thus demonstrating an essential need to live in the countryside. One Member suggested that the application be deferred in order for the applicant to come back with more information about the exact nature of the business and their reasons for having to live on site.

It was proposed that the application be deferred for up to 6 months in order to give the applicant an opportunity to clarify their case to demonstrate essential need before the application is returned to the Planning Board with detail about the exact nature of their business.

Subsequent to this application being deferred, a change in legislation occurred with a letter from Natural England (NE) being received advising that local planning authorities need to assess the impact of any new residential development that falls within the catchment area of the Somerset Levels and Moors SPA Ramsar.

The letter explained that where the conservation status of a protected natural habitat is unfavourable, the possibility of authorising activities which may subsequently compromise the ability to restore the site to favourable condition and achieve the conservation objectives are 'necessarily limited'.

Having regard to these changes in legislation, additional residential units within the Ramsar catchment are likely to add phosphates to the designated site via the wastewater treatment effluent and it will be up to the applicant to demonstrate that the proposed development would not cause harm to the Somerset Levels and Moors Ramsar site with particular regard to the discharge of phosphates.

The applicant has since sought to demonstrate neutrality in terms of any phosphate outfall from the development and sought to satisfy the request of the Planning Board in providing additional information to demonstrate that there is an essential need for a rural worker to live permanently at their place of work in this isolated location.

In respect of demonstrating an essential need for a rural worker to live permanently on site, the applicant maintains that the application site, to include the 40 acres of agricultural land at Wellesley, is ideally suited for research purposes undertaken by their company, due to the history of non-intensive management and rich diversity of the pasture, which has persisted because of the site's SSSI status. Once established, Wellesley will be unique as a research resource, offering a site for long term research that could not be relocated or undertaken elsewhere, confirming their long-term business intentions.

The statement goes on to suggest that a person will be required to live permanently on site for research purposes together with the day-to-day management of livestock, observing and caring for 30 to 40 cattle/sheep, rising to over 100 units of livestock in the future.

However, no clear evidence has been submitted regarding research methodology, with specific explanation as to why a person might need to live permanently on site rather than merely carryout the research during normal working hours from the existing site which is only a 20 min journey away.

Furthermore, the associated 40 acres of agricultural land within the SSSI will be operated under a Higher Tier Countryside Stewardship Agreement with Natural England, a requirement of farming SSSI land and a requirement of securing an offset to demonstrate phosphate neutrality necessary for the installation of a Package Treatment Plant (PTP) for the proposed dwelling. One requirement of the Higher Tier Countryside Stewardship Agreement is a restriction in livestock units which in this case can be no more than 28.9 units for the 40-acre site and therefore, the suggestion that the site might support over 100 livestock units to further support the applicant's livestock 'care' case, is not considered to justify the functional/essential needs test that policy DP13 establishes.

With such small stock numbers, it would be expected that for the day-to-day operations on site and even in times of slightly more intensive activity during calving, there would be little need for a rural worker to live permanently on site.

In addition Policy DP13 sets out clear criteria for such accommodation which include not only demonstrating an essential/functional need for the accommodation but for permanent dwellings, the enterprise needs to have been established on the unit for at least three years and that that enterprise, on that unit of land, is currently financially sound and has a clear prospect of remaining so.

Currently, the site does not support a rural enterprise contrary to the requirement of Policy DP13 and whilst, the applicant has a profitable business, it currently has no connections with the application site and therefore, cannot be used to support a case for permanent rural workers accommodation at this site.

The Policy is clear that for new enterprises, the Council will **only** grant permission for temporary accommodation but again only where an essential functional need can be demonstrated.

In conclusion, the applicant has failed to provide any further conclusive evidence to support the proposal for permanent rural workers accommodation on this site contrary to Policy DP13 of the LP and the Policy within the National Planning Policy Framework (NPPF). The accommodation is not only unjustified but would result in an isolated dwelling within the countryside which both National and Local Plan Policy seek to avoid being recognised as unsustainable forms of development.

With respect to demonstrating neutrality on site due to the need to install a foul drainage scheme (PTP scheme in this case) to serve the proposed dwelling, this has been achieved but subject to the site being managed under a restrictive Higher Tier Countryside Stewardship Agreement as already described. As such, it is concluded that the proposed development would not cause harm to the Somerset Levels and Moors Ramsar site with particular regard to the discharge of phosphates.

With respect to the additional information as requested by the Mendip Planning Board, there remains no clear justification for the proposed development and the recommendation that the application be refused for the reasons set out in the original case officer's report below remain valid.

Description of Site, Proposal and Constraints:

The application relates to 10 hectares of land off of Upper Wellesley Lane, near Dulcote. The site is in a prominent location, on the side of a hill, which is a locally designated Special Landscape Feature "Worminster Down/Launcherley Hill". The site is accessed off of Upper Wellesley Lane, which is an unclassified road.

The site is within a statutory designated Site of Special Scientific Interest (SSSI): Twinhills Woods and Meadows.

The site is also within four SSSI Impact Risk Zones, and designated a statutory Priority Habitats, including grasslands, meadows, and woodlands, and a Local Wildlife Site.

To the south of the site, outside the red line of the application site is Twinhills Wood, which is a designated Ancient Woodland. To the west of the site is a public right of way (WS 10/84)

The application seeks full planning permission for the erection of a dwelling, formation of an access track and associated development.

Relevant History:

2019/0729/AGB - Application for prior notification of agricultural development for a proposed building. Prior approval not required 11.04.2019.

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

St Cuthbert Out Parish Council: Approval

Highways Development Officer: Standing advice

Land Drainage: No Objection subject to conditions

- Surface water drainage details
- Foul drainage details

Ecology: No objection subject to conditions – final comments below

08.10.2019 - Holding objection pending further information, particularly with regard to the SSSI and lighting/glass

- Twinhill Woods and Meadows SSSI is designated for botanically diverse neutral and calcareous grassland and ancient semi-natural woodland which notably supports 26 species of butterfly including grizzled skipper, white-letter hairstreak, brown argus, marbled white, silver-washed fritillary and marsh fritillary
- Automated bat activity surveys recorded greater and lesser horseshoe bats passing along the western hedgerow
- A scheme for the restoration of the grassland as a result of the development has not been submitted. There is no certainty that the land around the building would not be laid to lawn of less benefit to wildlife than that currently.
- The rationale for the development mentions that a S106 tying the house to the 40 acre block of land to secure future management and minimise the risk of exploitation and further degradation of the SSSI. However, no details of how it is to be managed in the future are given
- Bramble scrub and ruderals for example supports an abundance of moths which are hunted by horseshoe bats. Bat surveys were limited to a late summer survey only and as horseshoe bats make use of habitat depending on the seasonal availability of prey species it cannot be certain that the use of the site at other times of year
- The report states that *'Hedgerows will continue to be managed in the interests of wildlife conservation once the proposed residence is occupied'*. Again this cannot be guaranteed for the duration of the development given the private ownership
- A feed and equipment shed in a confirmed bat roost whilst the other structures have negligible potential for bats. The shed however, shows signs of long use as a night roost by Greater Horseshoe bats and therefore functionally supports the conservation objectives of the North Somerset and Mendip Bats SAC
- A new cool tower roost is proposed within 50 metres of the existing roost shown in Figure 3 but not included in the report. Further details are required
- Of concern is that external lighting has the potential to adversely affect the behaviour of horseshoe bats and may prevent individuals from accessing hunting patches as well as attracting prey out of the reach of these light sensitive species
- In addition the house has first floor terraces which may also produce light spill. Also of concern is the large windows in the elevations of the proposed dwelling, which are likely to cause light spill on to features used by horseshoe bats
- The report states that *'The glazing will utilise 'smart glass' which will switch to opaque mode at dusk and reduce direct glare from interior light sources as well as reducing overall light spill from*

the interior'. However, no specification is given. In addition the large windows pose a risk to bird strike during the daytime

20.11.2019 – No objections subject to conditions

- It is confirmed that the site is not within the North Somerset and Mendip Bats SAC Bat Consideration Zone (BCZ) for greater horseshoe bats
- It does not lie within that for lesser horseshoe bats but is within the technical guidance for the SAC in the banding for the Favourable Conservation Status for lesser horseshoe bats associated with the SAC hibernating roosts
- As less than 1% of the hibernating lesser horseshoe bat population would be affected the application does not require a Habitats Regulations Assessment
- A night roost for greater and lesser horseshoe bats was recorded by Crossman Associates in a concrete block feed shed. As this would be destroyed a European protected species licence will be required from Natural England.
- A new roost will be required to replace that lost. A new location is shown in Figure 3 of the ecology report. However, it is considered too far from the existing roost and needs to be located near the western boundary.
- The recommendations in the Ecological Appraisal and Bat Surveys and the additional information given in the ecology response by Crossman Associates should be followed and secured by conditions.
- Concerns remain about the large area of glass windows on all elevations causing risk of bird strike in the daytime as well as producing additional light spill at night.
- Details of the arrangements between the applicant and Natural England for managing the SSSI have now been submitted and a condition regarding the sites future management is no longer required.

Natural England:

19.08.2019

- The proposed development would result in a reduction in the extent of the SSSI.
- Further justification is needed to demonstrate that the benefits of the development could outweigh the permanent loss of part of this SSSI
- application site also lies within Band B of the bat consultation zone, as identified in the North Somerset & Mendip Bats SAC Guidance
- In the absence of adequate bat surveys we do not consider it is possible to determine the potential impacts on the SAC or the likely efficacy of any proposed mitigation measures
- any introduction of artificial lighting would be of particular concern

14.10.2019

- We note that the bat survey that has now been provided and we agree with Somerset Council's ecologist that a Habitats Regulations Assessment is needed
- The survey shows that there is activity by Greater and Lesser Horseshoe bats including the night roost in the store
- It is proposed that this store is replaced with a new bat roost to the east of the current location

- Natural England would question both whether the old roost needs to be destroyed and also the location of the new roost unless the commuting routes are strengthened and whether it should replace the building which is in use by the bats at present
- With regard to Twinhills Wood SSSI, we have had engagement with the applicants on a number of occasions over the past several years to discuss improvements in management of that could be made
- We consider that securing beneficial management proposals through this application would have a net positive effect on the SSSI and outweigh any the direct loss of a small portion of the site which does not contain interest features
- Details of mitigation leading to an improvement of the SSSI's condition should be agreed in advance and could maybe be included as a planning condition
- You have also requested advice on the whether the need to live on site is a justification for allowing housing outside of normal development boundaries. This is an arguable point and although we do consider that the applicant has some basis for the argument in that the ability to live on site would better enable the stock management that is needed, many people do manage their sites remotely

16.12.19

- We have no further comments to make other than to agree with the Somerset Council Ecologist, Larry Burrow's comments of 22nd November that a HRA is not necessary. We concur with his other comments regarding a potential new bat roost although the letter from the applicants on 24th October states that the existing structure will be remaining and the alternative roost will not be built which is welcomed.

Somerset Wildlife Trust: No response

Campaign to Protect Rural England: Objection

- Not appropriate location for development
- Not affordable housing
- Design statement does not demonstrate robust proven essential need
- Alternative farm situations closer to Wells could be utilized for research and observation of cattle
- Harm to SSSI
- Visible from the Monarch's Way PRoW to north, particularly when there is no leaf cover
- Contrary to NPPF (para 170 (a) and (b)) where development should contribute to and enhance the local environment
- This is a greenfiled site as 'bungalow' no longer habitable
- Harm from light pollution

Mendip Conservation Advisory Panel: Objection

- Farming consultancy not specific to site
- Development in open countryside
- Harm to landscape in Special Landscape Character Area
- No extenuating circumstances

Local Representations:

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

- Surrounded by woodland and wildlife
- Allow site management of SSSI, and wild flower meadows
- Prevent travel to the site
- Agricultural tie proposed would prevent unsuitable development
- Sympathetic design that won't be seen from the road
- Site not part of the SSSI, and so no SSSI would be lost

Additionally, the following issues not relevant to planning were raised:

- Wonderful site
- Wonderful views

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy

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

- CP1 (Spatial Strategy)
- CP2 (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)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP13 (Accommodation for Rural Workers)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)
- (RTPI) Biodiversity in Planning – RTPI Practice Advice (November 2019)
- (DEFRA) Biodiversity net gain: updating planning requirements
- BS: 42020:2013 British Standard for Biodiversity – Code of Practice for Planning and Development PI (BSI, 2013)

Assessment of relevant issues:

Principle of the Use:

The proposal is for a new detached dwelling required to manage the 40 acre block of land within the applicant's ownership.

The proposal cannot be described as your traditional rural workers accommodation which might support your traditional rural enterprise such as a farm and the applicant has not suggested that the proposal might in any way accord with such policy as set out within the National Planning Policy Framework or Local Policy for the provision of such accommodation. It is the applicant's argument is that to manage the 40 acres much of which being a site of special scientific interest will require considerable time and resource which can only practically be delivered and realised by the applicants when they are living on site as opposed to 20 minutes and 7.5 miles away in Rodney Stoke and therefor any harm brought by the development would be outweighed by the enhanced biodiversity benefits in managing the land.

Notwithstanding the lack of evidence to support the proposal under either National or Local Plan Policy for rural workers accommodation (Paragraph 79 of the NPPF and Policy DP13 of the Local Plan), it remains that the application site is situated within the open countryside where development is strictly controlled but may exceptionally be permitted in line with the provisions set out within Policy CP4 of the Local Plan where the development would sustain the a community.

Having regard for the application as submitted and the criteria for exception development which might sustain a rural community in accordance with Policy CP4, the proposed dwelling is not within one of the District's Primary or Secondary Villages where there is a presumption in favour of new development which might support local services and facilities, the accommodation is not affordable housing secured for the benefit of a community and as already established, the accommodation would not be an occupational dwelling where there is a proven and essential functional need, to support agricultural, forestry or other rural-based enterprises as set out within DP13. To this end, the proposal fails to accord with the Council Core principles for bring forward sustainable development having regard for Policies CP1, CP2 and CP4 of the Local Plan.

In assessing the proposal against the National Planning Policy Framework, the site is in open countryside, outside of defined settlement limits, and some distance from the nearest defined settlement. Indeed, the site is considered to be truly isolated from any development. The NPPF states that isolated homes in the countryside should be avoided unless special circumstances apply, as set out in paragraph 79. These circumstances are described as:

- a) *there is an **essential** need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; [emphasis added]*
- b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential dwelling; or*
- e) *the design is of exceptional quality, in that it: is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

None of these circumstances have been evidenced within the application.

With there being no justification to support the application having regard for the core principles for sustainable development set out within both the Framework and Local Plan, it is necessary to understand how the suggested transport and biodiversity benefits brought by the development might outweigh the unsustainable nature of the development.

The National Planning Policy Framework (chapter 2) identifies the purpose of the planning system as contributing to the achievement of sustainable development. There are 3 overarching objectives of sustainable development: an economic objective; a social objective, and; an environmental objective. Sustainable development should be pursued in a positive way, and so at the heart of the NPPF is a presumption in favour of sustainable development.

The NPPF clarifies this aim (paragraph 11d) stating that permission should be granted unless other NPPF policies that protect areas or assets of particular importance provides a clear reason for refusing the development. In addition, planning permission should be refused if any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Particular attention should be drawn to footnote 7, which specifically notes the policies relating to habitat sites, and/or Sites of Special Scientific Interest with regard to paragraph 11d.

Species, habitats, and ecosystems of particular importance or vulnerability are identified within international, national and local designated sites. The aim of these designations is to protect and enhance biodiversity; meaning the protection of species and the habitats they live in. Sites of Special Scientific Interest (SSSI), one of our most high status habitats, are national statutory designated areas under the Wildlife and Countryside Act 1981, as amended.

Nationally designated Priority Habitats are identified in a published list of habitats and species that are of principle importance for the conservation of biodiversity in England, as required by section 41 of the Natural Environment and Rural Communities (NERC) Act.

The British Standard for Biodiversity (BS: 42020:2013) provides guidance for the assessment of biodiversity impacts, including a 'Mitigation hierarchy':

- Where possible adverse biodiversity impacts should be **avoided**

- If damage cannot be avoided, it should be **minimised**
- Damaged or lost habitat should be **remediated**
- As a last resort with clear justification, **compensate** for damaged or lost habitat

In addition, enhancement should be secured wherever possible.

The impact of the development on ecology is discussed in greater detail below, but in principle, the proposal would result in a domestic building within the Site of Special Scientific Interest. The application therefore falls at the first hurdle of the 'mitigation hierarchy', which is to **avoid** development in a SSSI. The extensive 10 hectare site is not all within the SSSI, or SSSI impact risk zone. Incursion of development into the SSSI, and SSSI impact risk zone, can be avoided by the applicant.

The need to minimise travel by private car is a key objective as outlined in the National Planning Policy Framework (NPPF chapter 9) to achieve sustainable development, which seeks to promote walking, cycling and public transport. To this end, development should be concentrated in and around existing, or proposed, places where jobs and services are concentrated and seeks to ensure that residential development is located in the most sustainable locations; or put another way not normally in open countryside. The Mendip District Local Plan (MDLP) is consistent with this approach.

The development proposed would foster the growth in the need to travel by private car, as the site is located outside of a settlement limit where there are limited employment opportunities, services and facilities. The occupier's day to day needs would inevitably be made by trips in private vehicles, for shopping, employment, leisure, health and education to name a few. This unjustified fostering in the growth in the need to travel is contrary to the objective of promoting sustainable development as promoted by local policy and policy outlined in the NPPF.

The applicant makes the argument that the site is visited on a daily basis in order to carry out land management and as such, a dwelling on site would reduce trip movements. The LPA argue, as above, the proposal would create significantly more trip movements associated with the activities associated with the everyday running of a household than the land currently generates with dwellings generating in the region of 8 trips a day, 7 more than the site currently generates (1 trip).

The applicant also argues that the site has historically been occupied. However, neither the applicant nor the Council has documented evidence to support this case and therefore, this is not a material consideration in determining the application.

In the planning balance, it is acknowledged that the provision of a dwelling would contribute a single housing unit to the districts housing supply. However, this 'benefit' is considered minimal, and would not outweigh the significant and unjustified harms outlined above.

In conclusion, the proposed development would not avoid development within a SSSI when alternative sites are available, would be development in a remote unsustainable location fostering the growth in the need to travel and in this, any biodiversity enhancements would not outweigh by the harm of having a development in this isolated location. It is therefore, in principle, contrary to the aims of the NPPF (2019) to achieve sustainable development.

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

The proposed dwelling is positioned half way up the hillside in a prominent location, within a Special Landscape Feature “Worminster Down/Launcherley Hill”. The topography has a slight plateau on the generally steep slope. There is some small low-key built development in the vicinity. The site is afforded some degree of screening from the hedge field boundary to the north of the site for the proposed dwelling.

The proposed dwelling is a substantial building of commonplace modern design, with accommodation over three floors by virtue of the inclusion of a basement. The development is not considered to be of exceptional quality, or be of truly outstanding or innovative design. The building is described as having 4 bedrooms, although the library and office could be included within the ‘bedroom’ numbers. The overall impact of the building has been mitigated to some extent by virtue of the flat roof, and degree of excavation of the site that sets the building into the hillside, including a basement area.

The proposed walling materials are proposed to be a selection of render, larch cladding, and rubble stone. Every elevation has a large proportion of glazing. The first floor, having a smaller footprint than the ground floor, has a number of roof terrace areas.

The dwelling does not have a defined curtilage area. The outside space includes a large gravel area. The proposal includes a detached 2-bay ‘carport’ with an additional workshop space, with a dry stone retaining walls and a cedar shingle roof. There is also a detached ‘store’ building. In addition, to access the dwelling, a long access track is proposed, which would dissect the field to the north of the dwelling. While it is proposed to upgrade the surface to have 2 ‘metalled’ or concrete strips, or ‘Grasscrete’ (or similar) to minimise the visual and environmental impact, any form of consolidated surface would further visually direct views of the special landscape feature to the proposed dwelling, further highlighting its presence and increasing the impact of the proposal on the landscape.

Notwithstanding the limited screening provided by the hedge currently in existence, the proposed dwelling would be very prominent in the wider landscape. The effect of the built form in this currently verdant area would be visible both in daylight hours, particularly during times of leaf fall, and at night where the large expanses of glazing would result in light spill. Together with the dwelling, the carport and store building present a large north elevation. In addition, the associated domestic paraphernalia would further erode the intrinsic natural beauty of the 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. Further to this, decisions should take account of efforts made to minimise negative effects. Where development proposals would adversely affect or result in the loss of features and scenes recognised as being distinctive this should be balanced against the significance of the feature or scene and degree of impact against the benefits of the proposal.

The position of the dwelling within the site is not considered to minimise the negative impacts of development in this location. The proposed dwelling and associated development would have an adverse urbanising impact within this rural scene in open countryside. As discussed previously, the proposal

would contribute 1 dwelling unit to housing supply, but this benefit is not considered to outweigh the harm to the Special Landscape Feature.

The proposal by reason of its design, siting, scale, massing, layout and materials does not contribute or respond to the local context, or maintain the character and appearance of the surrounding area. The proposal is therefore contrary to Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Parts 6 and 12 of the National Planning Policy Framework.

Ecology:

Biodiversity and the natural environment can deliver on the core objectives of the Council, by promoting health and wellbeing, contributing to the local economy, and responding to the climate emergency.

Local Planning Authorities have a statutory duty to conserve biodiversity in the exercise of all public functions, as outlined in the National Environment and Rural Communities Act (2006) for England. This requires LPAs to assess the impact of a proposal on potential ecological impacts, and ensure proposals will promote ecological enhancement. These duties protect all nature, not just specific protected sites and species. LPAs must consider how a development might affect 'protected' and 'priority' species and habitats on or near a proposed development.

The application site also lies within an area of Lowland Meadows, a priority habitat listed in s41 of the Natural Environment and Rural Communities Act 2006 for which the local planning authority must have regard for the conservation of in carrying out its duties.

Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

The applicant has described how the proposed development will enable the stewardship of the SSSI.

It is worth noting that under section 28J (Management Schemes) of the Wildlife and Countryside Act 1981, Natural England may formulate a management scheme for all or part of a SSSI, and serve a notice on the landowner defining the scheme objectives and a timeframe for its implementation. This can be a scheme for conserving the site, restoring the site, or both. If the management scheme is not implemented within the defined timeframe, then Natural England can enter the land to fulfil the requirements of the management scheme, and recover the costs from the land owner. Therefore, the appropriate management of the land is not solely within the gift of the landowner, and should not be considered a 'bargaining chip' in the determination of this application. This is demonstrated in the Ecologist's response, regarding the management plan to be in place, and not requiring a condition.

The assertion that the proposed site is the most suitable because of the existing development in that location is disingenuous. The proposed building is significantly larger, and does not utilise any existing structure. Not only does the built form erode the SSSI, but also the proposed use. The use as a dwelling would entail associated 'domestic' activity, with artificial lighting, noise and disruption, far in excess of what could be characterised by the existing use and built form. This general disruption of the SSSI would

be harmful because of the reduction in the area SSSI, and the disturbance of the species that live and forage within it.

It is acknowledged that the Ecologist and Natural England have evolved their responses to the proposal as more information has been submitted during the course of the application. However, fundamentally, development within the SSSI should be avoided, which is entirely feasible given the site area. The proposal in itself would not provide a demonstrable benefit that would outweigh the identified harm of development. The conditions suggested by the County Ecologist are not an endorsement of the development itself but rather to ensure the development is carried out as proposed in the interests of the natural environment having regard for mitigation and enhancement in the unlikely event that the Council should abandon its core principles for bring forward sustainable development.

For the reasons outlined above, the proposed development will have an adverse impact on species, habitat and ecosystems that have been designated as a Site of Special Scientific Interest. The proposal is therefore contrary to Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on Residential Amenity:

Given the design, scale, massing and siting of the proposed development in an isolated location 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, in this respect.

Amenity can also be defined as a positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquility. The proposal would be detrimental to the amenity of the countryside character in this location through light pollution, noise and other disturbance.

Assessment of Highway Issues:

The application includes proposed changes to the access for the site. Utilising an existing field gate onto an unclassified road, it is proposed to upgrade the surface to have 2 'metalled' or concrete strips, or 'Grasscrete' (or similar). The gates are also proposed to be moved to allow a 'refuge' off of the highway for vehicles entering or leaving the site. Given the existing agricultural 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 proposed access for the site is therefore considered to be in accordance with DP9.

The proposal includes the provision of a carport with 2 parking spaces, and an area of hardstanding. SCC Parking Standards requires 4 parking spaces for a 4 bedroom dwelling in this location. The proposed parking for the site is therefore considered to be in accordance with DP10.

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, in this respect.

Trees:

The Ecology survey describes the tree species that make up the hedge to the west and north of the site as 'important' under the Hedgerow Regulations due to the diversity of woody species, as well as being within the SSSI. It describes the hedgerow on the northern boundary as "defunct". Although limited, this hedgerow would provide some degree of screening of the proposed development. Additional planting is proposed, but no specific details have been provided, and the establishment of any new planting would take a significant period of time to provide screening.

No specific tree survey, or root protection plan has been submitted with the application. The impact of the development on trees that have significant visual or amenity value, and any required protection or mitigation cannot be established. The details of a root protection plan and additional planting proposed within the ecology surveys and subsequent correspondence could be secured by pre-commencement conditions.

Land Drainage:

The site is located within Flood Zone 1. The land Drainage Engineer found there are some small areas of the site that are shown to be at low risk of surface water flooding. These do not affect the location of the proposed dwelling, but require consideration in the design of the surface water drainage scheme.

The site is currently undeveloped with the presence of some temporary structures; therefore the proposed buildings and associated parking and access will increase the impermeable areas and the surface water runoff from the site. The applicant indicates that soakaways or existing ditches will be used for surface water discharge. The use of soakaways is supported by the Land Drainage Engineer, but no details of infiltration tests have been provided with the application to prove that they are a viable solution on this site. Should infiltration tests show ground conditions are not favourable for soakaways, an alternative means of surface water disposal will need to be clearly identified.

With regards to foul drainage, the applicant proposes non-mains drainage using a package treatment plant. As with the surface water drainage above, further detail is required on how the treated effluent from the package treatment will be discharged.

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

Further to the above assessment, and the impact the scheme might now have on phosphate outfall from the PTP system on the Somerset Levels and Moors Ramsar sites. It has been demonstrated subject to the site being managed under a restrictive Higher Tier Countryside Stewardship Agreement with Natural England, the proposed development would not cause harm to the Somerset Levels and Moors Ramsar site with particular regard to the discharge of phosphates.

Sustainability and Renewable Energy:

The applicants suggest the use of renewable energy, including biomass from within the land for heating as well as the solar power, however, no details have been provided.

Refuse Collection:

While the site is considered capable of providing adequate space for the storage of refuse and recycling, this would also impact on the general domestication of the site, contributing to the harm to the character and appearance of the area.

Environmental Impact Assessment:

This development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (category 10(b)(iii) of Schedule 2 and exceeds the threshold criteria with regards to the area of the development and has therefore been screened. It was determined that the proposal will not result in significant environmental effects. As such an Environmental Impact Assessment was not required, although the environmental effects have been assessed and are set out in this report.

Equalities Act:

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

Other Matters:

The applicant has suggested that the development could be subject to a Section 106 agreement to tie the dwelling to the land. As described above, no adequate justification for the development has been demonstrated, and so a S106 would not be justified. However, a S106 legal agreement would be required to ensure the satisfactory stewardship of the wider 40 acre site in the interest of biodiversity.

Conclusion:

It is recommended that planning permission is refused because the proposal has failed to demonstrate an essential functional need for a dwelling, outside development limits, in an isolated location that is not considered to be sustainable development. The development does not avoid a Site of Special Scientific Interests, when there are alternative positions outside the SSSI, and where the identified harm has not been outweighed by identified benefits. The site would result in a dwelling, with associated domestic paraphernalia, in a Special Landscape Feature, to the detriment of the identified special character of the area.

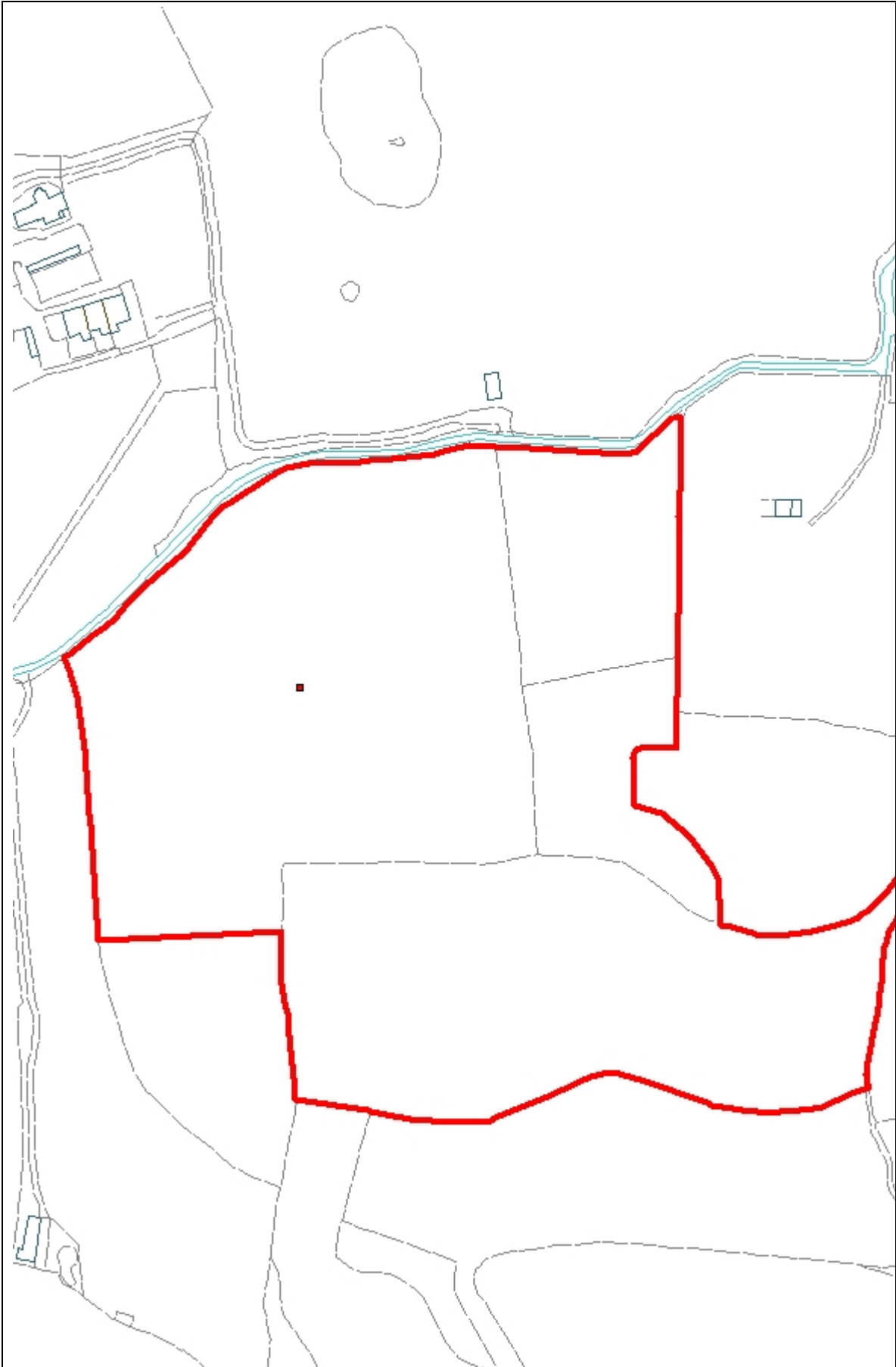
Recommendation

Refusal

1. The application fails to demonstrate that there are any special circumstances such as functional or essential need to allow a new dwelling in this isolated rural location. As such, the proposed development would result in the unjustified and unnecessary encroachment into the open countryside, failing to protect or preserve its intrinsic character and beauty and there are no overriding benefits associated with the development which would outweigh the harm. The development is therefore contrary to Policies DP1 and DP13 of the Mendip District Local Plan 2006-2029 and policies within the National Planning Policy Framework (NPPF) including paragraphs 11d and 79.
2. The proposed development by virtue of its location within a Site of Special Scientific Interest (SSSI) would result in the loss of an area of the specially designated site. The application has failed to clearly demonstrate that any associated benefits of the development outweigh the identified harm, and has failed to demonstrate that alternative sites outside the SSSI, to avoid the identified harm, are not suitable. The proposal is considered to be contrary to Policy DP5 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and the National Planning Policy Framework, with particular regard to Chapter 15.
3. The proposed development in a prominent location within a Special Landscape Feature will result in a dwelling and associated domestic development of a design which is suburban in its appearance, and by reason of its siting, scale, massing and appearance will change the character of the site from open countryside to developed land encroaching into the countryside. The resultant development fails to contribute positively to the maintenance and enhancement of local identity and distinctiveness contrary to policies DP1, DP4 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014).

Informatives

1. This decision relates to drawings 6407W/11, 12A, 13A1, 15REV A, 05 REV A1, 05 REV A1(1), 15 and 15 (1).
2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework by working in a positive, creative and pro-active way. Despite negotiation, the submitted application has been found to be unacceptable for the stated reasons. The applicant was advised of this, however despite this, the applicant chose not to withdraw the application and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.



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Case Officer	Charlotte Rogers
Site	Myrtle Farm Milton Lane Wookey Hole Wells Somerset
Application Number	2022/1138/FUL
Date Validated	14 July 2022
Applicant/ Organisation	Mr O Poole
Application Type	Full Application
Proposal	Erection of 1no. three bedroom detached dwelling
Division	Mendip West Division
Parish	St Cuthbert Out Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

3. **what.three.words: lavender.cotton.soonest**

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

This application has been referred to the Planning Board as the proposal represents a departure to the development plan as the proposed dwellings are outside the development limits as defined in the Mendip District Local Plan Part 1 (December 2014).

Description of Site, Proposal and Constraints:

The application relates to an area of Farmyard at Myrtle Farm, Milton Lane. The site benefits from previous planning permission under Local Planning Authority reference 2020/0689/FUL for the erection of 5no. dwellinghouses.

This application seeks to amend the previous permission by seeking amendments to the single storey L-shaped property located on the southeast side of the site. The proposed amendment includes the dwelling becoming a two-storey property on one side of the L-shape that runs adjacent to the highway. The proposal is to maintain the proposed materials and overall architectural style of the previously approved application.

Relevant History:

2020/0689/FUL – Proposed demolition of existing barns and the construction of five permanent dwellings including new access and parking. Approved 27.08.2020

2018/0114/FUL – Proposed demolition of existing barns and the construction of five holiday cottages including new access and parking. Approved 04.07.2018

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

Ward Member: No comments received

Parish Council: Recommend approval – The Planning Committee would like to ask Mendip District Council to note the 1.5m depth of excavations is acceptable in mitigating objections of the building height.

Local Representations: Three letters of objection have been received raising the following summarised points –

- Loss of views for existing properties in the area.
- Concerns in regard to overlooking of existing and the other new residential properties
- Increased light pollution and concerns for the ‘dark skies’ of the AONB.
- The proposed alterations are not consistent with an accessible needs dwelling

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

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

The Council’s Development Plan comprises:

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

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip’s Landscapes
- DP7 – Design and Amenity of New Development
- 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)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Householder Design Guide

Assessment of relevant issues:

Principle of the Use:

The application site is outside, although adjacent to the development limits of Wookey Hole and therefore is considered a departure to the Development Plan. The application site benefits from a previous planning permission for the erection of five dwellings under Local Planning Authority reference 2020/0689/FUL.

The current application seeks to amend the design of one of the five dwellings previously approved in terms of its height, scale and massing to add an additional storey to one section of the previously approved dwellinghouse. The footprint of the property is to remain as previously approved with the proposed alterations purely being the amendment to the height. As such, the principle of a dwelling within the proposed location has previously been established.

The previously approved dwelling was proposed as a single storey accessible dwelling. The current proposal is to create a second storey and to amend the internal arrangements and as such would no longer be considered an accessible dwelling.

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

The previous application granted permission for a single storey L-shaped dwelling alongside a terrace of four dwellings. This application seeks to amend the permission for the L-shaped dwelling to add additional space at a first-floor level. The footprint of the proposed dwelling is unchanged from the extant permission with alterations to the overall scale and massing of the proposed dwelling. The addition of an extra storey on one element of the proposed dwelling will not result in an unacceptable level of harm to 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.

Given the sensitive nature of the surrounding area, should planning permission be granted, permitted development rights could be removed through the implementation of conditions. This would ensure that any further development at the site can be appropriately assessed by the Local Planning Authority to ensure the works are sensitive to the character and appearance of the surrounding area.

Impact on Residential Amenity:

It is recognised that the introduction of an additional storey will alter the relationship of the proposed dwelling with the surrounding residential properties. The proposal includes the introduction of a window at first floor level on the western elevation of the dwelling. This window is to be located approximately 20m from the boundary of the nearest residential property to the southwest of the application site.

Concerns were raised in regard to the loss of views that the additional storey would result in. This is not a material planning consideration however it is deemed that the additional height would not result in a significant change as the property is to be set down and therefore the proposal would not result in an overbearing impact on the nearby residential 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:

The proposed access has previously been approved under Local Planning Authority reference 2020/0689/FUL and the current application maintains the proposed access arrangements as previously approved. The proposed parking arrangements and courtyard area are acceptable and would enable vehicles to enter and exit the site in forward gear.

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.

Area of Outstanding Natural Beauty:

The proposed alterations to the previously approved consent are minimal in terms of impact on the Area of Outstanding Natural Beauty. The materials proposed are sympathetic to the surrounding area. The proposed additional glazing is minimal in nature and within the surrounding context would not result in an unacceptable level of additional light spill.

The proposed development by virtue of its design, scale, massing, position and use of external materials would not adversely affect the natural beauty of the landscape of the designated AONB in accordance with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on the Setting of a Listed Building:

The principle of the dwelling within this proximity to the nearby Grade II Listed Building has been established. The proposed amendments to the previous permission would not impact the relationship between the application site and the designated heritage asset.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, 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. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Environmental Impact Assessment

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

Equalities Act

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

Recommendation

Approval

Conditions

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

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

Location Plan

227 1/A

227 2/A

227 3/A

227 4/A

Validated 14.07.2022

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

3. **Removal of Permitted Development Rights - No extensions or alterations incl roof (Compliance)**

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

Reason: Any further extensions require detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

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

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

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Removal of Permitted Development Rights - Boundary treatment (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no boundary treatment to the dwellings hereby permitted shall be altered or installed within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further boundary treatment requires detailed consideration by the Local Planning Authority in the interests of the character and appearance of the area, particularly the AONB, and the living conditions of neighbouring properties in accordance with Policies DP1, DP4, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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 plan, Proposed Site Plan Dwg No: 227 3/A. The approved parking area shall be kept clear of obstruction at all times and shall not thereafter be used other than for the parking of vehicles in connection with the development hereby permitted.

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

7. Nesting Bird Protection (Bespoke Trigger)

No removal of trees hedges or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Access (Pre-occupation)

No occupation shall commence until the proposed access has been constructed in accordance with details shown on the submitted plan for application 2020/0689/FUL, Proposed Site Plan Dwg No: 717 - 4/1/A as referenced on plan 227 3/A submitted within this application, but notwithstanding the details on that plan, the gradient of the proposed access shall not be steeper than 1 in 10 and it shall be properly consolidated and surfaced (not loose stone or gravel) for at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway. The access shall be made available for use before occupation and maintained thereafter in that condition at all times.

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

9. Cycle Parking (Pre-occupation)

No occupation of the development shall commence until an area for the storage of bicycles shall be laid out, constructed and drained in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and

highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until provision for the storage of recycling and waste containers has been made within the site in accordance with the Waste Recycling and Management Plan (dated 14/07/2022).

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).

Informatives

1. **Condition Categories**

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

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

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

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

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

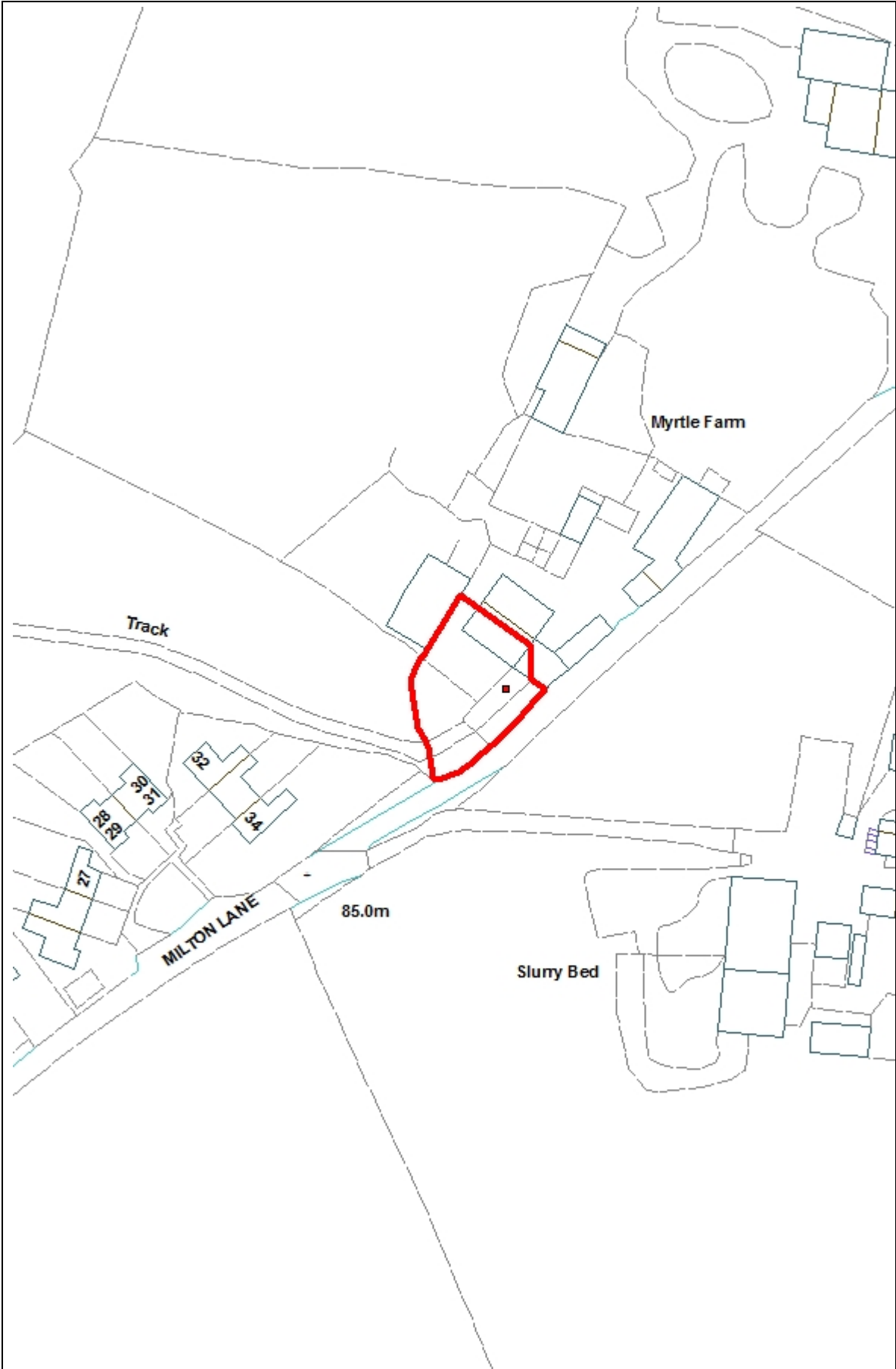
Please note all conditions should be read fully as these headings are intended as a guide only.

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

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

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The applicant is also advised to review the consultation response from the Rights of Way Group.
5. 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.
6. 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.
7. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>

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