

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 1 August 2023 at 2.00 pm

Council Chamber - Mendip

To: The members of the Planning Committee - East

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

Councillor Adam Boyden
Councillor Dawn Denton
Councillor Susannah Hart
Councillor Helen Kay
Councillor Tony Robbins
Councillor Alex Wiltshire

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

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 Friday, 28 July 2023**.

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

The meeting will be webcast and an audio recording made.

Issued by David Clark on Monday, 24 July 2023

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 1 August 2023

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

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

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 13 - 26)

To approve the minutes from the previous meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

Requests to speak at the meeting at Public Question Time must be made to the Monitoring Officer in writing or by email to democraticserviceteam@somerset.gov.uk by 5pm on Thursday, 27 July 2023.

5 Schedule of Applications (Pages 27 - 30)

6 Application 2020_0832_Land at 345552 136293 Main Street Walton Street Somerset (Pages 31 - 52)

To consider an application to outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.

7 Application 2021_2070 Land at 354940 138061 Newtown Lane West Pennard Glastonbury Somerset (Pages 53 - 76)

To consider an outline planning application with all matters reserved except for access for the erection of 1No. 4 bedroom dwelling house.

8 Application 2022_1455_Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset (Pages 77 - 98)

To consider an application for installation of 4no. floodlights at show tennis court.

9 Application 2022_1456_Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset (Pages 99 - 120)

To consider an application for Proposed installation of 4no. floodlights at triple court.

10 Application 2022_1521_Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset (Pages 121 - 142)

To consider an application for proposed installation of 6no. floodlights at hockey pitch.

11 Application 2023_0687_Middle Ivythorn Farm Ivythorn Lane Walton Street (Pages 143 - 152)

Construction of driveway and change of use of land to garden.

12 Application 2023_1084_Land at 369311 147357 Quarry Lane Leigh On Mendip Shepton Mallet Somerset (Pages 153 - 168)

Convert Barn to form terrace of 3no. single storey dwellings.

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

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

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 4 July 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)

Cllr Barry Clarke

Cllr Susannah Hart

Cllr Helen Kay

Cllr Tony Robbins

Cllr Dawn Denton

Cllr Bente Height

Cllr Martin Lovell

Cllr Claire Sully

23 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillors Adam Boyden, Martin Dimery, Edric Hobbs and Alex Wiltshire. Councillor Heather Shearer substituted for Councillor Hobbs and Councillor Michael Dunk substituted for Councillor Dimery.

24 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 6 June 2023. Councillor Martin Lovell proposed and Councillor Tony Robbins seconded that they be accepted.

These Minutes were taken as a true and accurate record and were approved.

25 Declarations of Interest - Agenda Item 3

All Councillors declared a personal but non-prejudicial interest in Agenda Item 5 - 2022/1945/REM - Land Northeast of Tor View, Top Road, Westbury Sub Mendip. This was because one of the objectors to the application was an elected Somerset Councillor and was known to them all.

Councillors Martin Lovell and Bente Height declared a personal but non-prejudicial

interest in Agenda Item 9 - 2022/0258/FUL - Blostins Restaurant, 29 - 33 Waterloo Road, Shepton Mallet. Both said that they had eaten at the restaurant and knew the applicant.

All Councillors advised that they would participate in the discussions and vote on these agenda items.

26 Public Question Time - Agenda Item 4

There were none.

27 Planning Application 2022/1945/REM - Land North East Of Tor View, Top Road, Westbury Sub Mendip, Wells, Somerset - Agenda Item 5

Application for the approval of reserved matters following outline approval 2020/0364/OTA for the erection of a single dwelling. Matters of access, appearance, landscaping, layout and scale to be determined.

The Officer's Report stated that this application had been referred to the Planning Committee by the Chair as the Officer Recommendation was contrary to the Parish Council's. The Recommendation was for approval.

The Report continued that the site was set within a slope in the land surrounded by agricultural land and vineyard. The proposed development was set within the cut out in the slope and was accessed via an existing farm gate enclosed on either side by hedgerow.

The site was located within the Mendip Hills Area of Outstanding Natural Beauty (AONB) on its southern edge.

There was an extant permission, reference 2020/0364/OTA, for a dwelling on this site, although there were outstanding pre-commencement conditions. When planning permission was granted all matters were reserved for future consideration. Since outline permission was granted the application site has been included within the phosphate catchment area which affects the Somerset Levels and Moors Ramsar.

Following the outline approval, a reserved matters application reference 2020/1678/REM, was submitted and refused for one reason, which was due to phosphates and foul drainage issues. The current application seeks approval of all the reserved matters for the erection of a dwelling and it seeks to overcome the

previous single reason for refusal.

Westbury Sub Mendip Parish Council had recommended refusal. The reasons given were:

- Dwelling was too tall.
- Window design was inappropriate in terms of light pollution in the AONB
- Dwelling was not sympathetic to the needs / existing character of the village.

Other consultees such as Contaminated Land, Land Drainage, Ecology and Natural England had no objections, subject to various conditions. There had been one letter of objection received and 6 letters of support. Objections included:

- The reserved matters application has not overcome our concerns which were raised at the outline stage and on the previously refused application.
- Objection in principle to the location of the site in the AONB outside the settlements.
- It is detrimental to the character of the area and will result in light pollution.

Comments from the letters in support included:

- The development is in keeping with surroundings.
- The Ph of the land stands at 0.02 the development will be for 2 people and as such it will not change.

In conclusion, the Officer's Report said that subject to a legal agreement to secure the provision of phosphate mitigation habitat comprising of woodland planting and a landscape and ecological management plan (LEMP), the application was recommended for approval.

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

The Committee was then addressed by 2 objectors to the application. Their comments included:

- The development is outside the development boundary of the village in inside the AONB.
- The countryside and views of the Somerset Levels will be affected.
- The application has many changes to the original proposal and alter the whole character of the development in a significant and detrimental way.
- The original green roof has gone, the floor area and height has increased, celestial windows are proposed and the garage located below the living space makes it a 2-storey structure.
- Impact on dark skies.

On behalf of Westbury sub Mendip Parish Council, a speaker then made the following points:

- The original application showed a green roof which was not in the latest proposal.
- Dark skies will be affected.
- Application has suffered from “planning creep” and is now much bigger than previous.
- Proposed dwelling no longer “nestles” into the slope.
- The Parish Council objects to the application as it will be obtrusive and will have an unacceptable impact on the countryside and AONB.

Councillor Heather Shearer then spoke. She advised she was the Division Member. She supported the views of the Parish Council. The site was in designated open countryside and was a brownfield site in a disused quarry. When outline permission was granted, the dwelling was shown to be sited well within the quarry, with a green roof and would only be glimpsed from the surrounding landscape. However, this application shows a much bigger, higher dwelling. The windows on the western side of the dwelling would impact dark skies and water courses could become contaminated. If it were to be approved, she said conditions should be added to retain the western wall and hedges planted. There should be an assessment of light pollution and water course contamination.

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

- The reserved matters application had been refused on one issue only, which was due to phosphates and foul drainage issues.
- The Council’s ecology, drainage and Natural England have independently agreed the mitigation is acceptable.
- Nothing new has been included in this application to what was previously found acceptable at reserved matters.
- There were no comments from the AONB, who did not identify any concerns.

During the discussion which followed, Members had a number of concerns which included the following:

- The earlier reserved matters application had not been debated by Mendip District Council Planning Board and was refused by the Chair and Vice-Chair in line with the Officer’s Recommendation purely on phosphates issues. Had it been debated at Planning Board, other reasons for refusal and conditions may have been included.
- Concerns about the proposed windows on the western side of the dwelling, the increase in height, the contouring of the dwelling within the landscape and lack of a landscaping plan to shield the western side from the village.
- Drainage a concern and would want conditions or assurances that drainage

will be sufficient.

- Light pollution to the dark skies should be conditioned against.
- The white colour of the render would make the dwelling stand out even more in the landscape.
- The height of the proposed dwelling appears to have increased. Members requested clarity on the height of the proposed dwelling compared to height above the sloping ground level.
- To protect from further development, permitted development rights should be removed for this property.

In response to some of these comments the Legal Advisor said that Outline permission had been granted for the principle of the development so this could not be questioned. It did not matter who had made the decision to refuse the reserved matters application – it was a lawful decision of the LPA and formed part of the planning history. Whilst it was open for Members to consider and discuss the detail of the reserved matters, if it was moved for refusal for reasons of, for example, scale and appearance, he would advise Members that it could be regarded as an unreasonable decision as the same scheme had previously not been refused for those reasons.

The Team Leader – Development Management advised that the detail of landscaping was included in the reserved matters application and therefore it would not be possible to condition additional landscaping at this stage. But she did say that a condition to deal with light spill could be added by requesting a lighting strategy. She also advised that a condition could be added requiring details of materials to be submitted and approved. Regarding removal of permitted development, she reminded Members permitted development rights were more restricted as the site was in the AONB. Officers could review this and see what could be done under permitted development rights and assess whether the PD rights needed to be removed.

In response to the question regarding landscaping, the Chair permitted the applicant's agent to speak again. He reassured Members that extra landscaping in the west of the development would be provided to screen the dwelling.

It was proposed by Councillor Michael Dunk and seconded by Councillor Heather Shearer that the application be approved in accordance with the Officer's Recommendation set out in the Report with the addition of the following conditions, the wording of which to be delegated to Planning Officers:

1. A lighting strategy to control the light spill
2. Building materials and colours
3. Building levels

4. Consideration as to whether further Permitted Development rights should be removed

On being put to the vote, the proposal to approve was carried by 10 votes in favour and 1 vote against.

RESOLVED

That planning application 2022/1945/REM be approved in accordance with the Officer's Recommendation subject to the imposition of additional conditions relating to:

1. A lighting strategy to control the light spill
2. Building materials and colours
3. Building levels
4. Consideration as to whether further Permitted Development rights should be removed

That delegated authority be granted to Planning Officers to agree the wording.

28 Planning Application 2023/0411/FUL - Stonecot, Frys Lane To Mill Lane, Batcombe, Shepton Mallet, Somerset - Agenda Item 6

Application for the change of use from agricultural land to residential garden. Creation of driveway, hardstanding, turning and parking area

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

The Report continued that Batcombe Parish Council had recommended approval subject to Highways not raising any objection. There had been no letters of support or objection from local residents.

In conclusion, the Officer's Report said although the development would be outside development limits, it would abut an existing residential property. The proposed use was not considered to have a detrimental impact on the adjoining land uses or highway safety and was considered to represent a sustainable form of development. It was therefore recommended that planning permission be granted as a departure from the development plan.

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

PowerPoint presentation.

There were no speakers on the application.

After a brief discussion some Members noted the possibility of the parking area being developed in future and wondered if permitted development rights should be removed to prevent this. The Planning Officer advised that the permission was for a parking area for private domestic use and it was not possible to know what applications may come forward in the future. However, removal of Permitted Development rights would be a possible condition.

Another Member raised concerns about increased run-off from the new driveway and requested that permeable paving be used. The Planning Officer confirmed that this was already recommended as a condition. It was noted that road safety on the lane was an issue and permitting the property to have its own parking area would alleviate some highway safety risks.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Heather Shearer that the application be approved in accordance with the Officer's Recommendation set out in the Report. On being put to the vote the proposal was carried with 10 votes in favour and 1 abstention.

RESOLVED

That planning application 2023/0411/FUL be approved in accordance with the Officer's Recommendation.

29 Planning Application 2023/0431/FUL - Westhayes, Springers Hill, Coleford, Frome, Somerset - Agenda Item 7

Application for change of use from land in the open countryside to residential garden.

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

The Report continued that the Development Limit of Coleford lay along the existing southern boundary of the curtilage of the property and therefore the application site lay outside of the development limits of Coleford.

Coleford Parish Council had originally objected to the application as they

misunderstood the requirement for the applicant to complete a bio-diversity checklist. They subsequently withdrew the objection. There had been no letters of support or objection from local residents.

In conclusion, the Officer's Report said that, although the development would be outside development limits, it would abut the existing residential property and would provide garden similar in size to neighbouring properties. The proposed use was not considered to have a detrimental impact on the adjoining land uses or ecological habitat and was therefore recommended that planning permission be granted as a departure from the development plan, subject to conditions.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. She also advised that she was minded to amend condition 3 which related to hard and soft landscaping, as the applicant had submitted a more organic plan. Also, there was a contractual covenant which meant the fencing must be open to allow for wildlife.

The applicant was then invited to address the Committee. He made the following comments:

- The proposed boundary of the garden would align with the neighbour's garden boundary.
- The land is totally hidden from road and is only visible from neighbouring properties.
- The intention is to protect the current view and land from being developed. It was an old hay meadow and intend to introduce a water meadow.
- Intend to further conserve and protect existing wildlife.

In the discussion which followed, Councillor Barry Clarke, although a little concerned that the field would be turned into a water meadow, proposed that the application be approved in accordance with the Officer's Recommendation outlined in the Report, but with delegation to the Planning Officers to amend Condition 3. This was seconded by Councillor Susannah Hart.

One Member wished to add an additional reason given to Condition 4 regarding the removal of permitted development rights to include the words "bio-diversity loss,". There was discussion as to whether this was necessary. Councillor Helen Kay proposed an amendment to the substantive motion to add these additional words and this was seconded by Councillor Michael Dunk. On being put to the vote the amendment was carried by 5 votes to 4, with 2 abstentions.

The substantive motion was then put to the vote to approve the application in accordance with the Officer's Recommendation with the additional wording "biodiversity loss," in the reasons for Condition 4. This was carried unanimously.

RESOLVED

That planning application 2023/0431/FUL be approved in accordance with the Officer's Recommendation but subject to the addition of the words "biodiversity loss," to the reasons for imposing Condition 4 and with delegated authority to the Planning Officers to amend Condition 3.

30 Planning Application 2021/0050/FUL - Land at 378206 147347, Adderwell Road, Frome, Somerset - Agenda Item 8

Application for residential development comprising 25 dwellings, new vehicular access, landscaping, sustainable urban drainage and other associated infrastructure works.

The Officer's Report stated that this application had been referred to the Planning Committee as the recommendation was to approve with conditions, but the Divisional Councillors had objected and called for a referral to the Planning Committee.

The Report continued that, through the life of the application, consultation comments were received from the Urban Design Officer who recommended the attenuation pond originally proposed in the southern corner of the site, adjacent to the vehicular entrance, be replaced with an area of public open space. The applicant followed this recommendation and submitted revised plans and drainage details accordingly.

As revised plans and information had been received through the life of the application, consultation with the local community and statutory consultees had been undertaken as necessary.

The Divisional Councillors had objected to the applications.

Frome Town Council had not objected to the application. Other consultees such as the Local Flood Authority, Highways and Environmental Protection had no objections subject to various conditions. However, Frome Civic Society had objected for reasons such as poor design, insufficient pedestrian and cycle links and affordable housing not dispersed throughout the site.

There had been 5 letters from local residents with neutral comments and 3 letters of objection. Comments included:

- Highways safety concerns
- Insufficient parking
- Pedestrian and cycle connections into Printworks site required
- Amenity – there should be 21 m distances required between properties
- Insufficient planting
- Insufficient biodiversity net gain

In conclusion, the Officer's Report said that, as the Council could not demonstrate a 5-year housing land supply, the 'tilted balance' set out NPPF was engaged. This meant that residential proposals should only be refused if they would result in 'significant and demonstrable harm' which outweighed the benefits of the proposal. The scheme would be acceptable (subject to the inclusion of relevant conditions and obligations) in relation to impact on the character of the area; affordable housing provision; housing mix; education; highways, access and parking; contaminated land; refuse and recycling; trees; landscaping; carbon reduction; and ecology. The Report went on to say that considering the application under the 'tilted balance'. The harms were not considered 'significant and demonstrable' and therefore the Officer Recommendation was for approval, subject to planning conditions and the prior completion of a S106 legal agreement.

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

Councillor Shane Collins then spoke. He advised he was one of the Division Members. He made the following points:

- Heat pumps require electricity and proper insulation to be effective.
- Developers should be building houses to exceed the requirements of the national regulations, not just meet them.
- Would like to see houses built to Passivhaus standards. They may be more costly to build but running costs would be reduced.
- Provision of an electric bicycle per household rather than just EV charging points would be preferable.
- Car parking provision was too high – on average more than 2 per dwelling.
- The proposal did not meet the Council's aim to be zero carbon and he hoped the Planning Committee would ask for solar panels, batteries, better insulation and the provision of ebikes.

Next to speak was the representative from Persimmon Homes, who was the applicant. He said:

- The provision of 8 affordable homes made it compliant with NPPF regulations.
- The site was redundant brownfield land.
- The applicant had worked with Frome Town Council who fully support the

application.

- The issue of parking had been addressed with Highways and now met the needs of the town and residents.
- The public open space will provide wildflowers, fruit trees and will create biodiversity.
- The development will have no reliance on gas boilers and will provide air source heat pumps which are a much more environmentally friendly method of heating.

In the Committee discussion which followed, the following points were made:

- The application was an improvement on the first one and pleased to see it linked to the Printworks site.
- Too many detached dwellings – should be more semi-detached which would help with the insulation of the properties.
- Pleased with the provision of air source heat pumps but would have liked to see solar panels.
- The gardens were too small for sustainability to allow occupants to grow their own food. Could permitted development rights be removed to prevent owners from building on the already small gardens?
- Concern about the noise emitted from the air source heat pumps.
- Concern about land contamination.

In response to some of these comments, the Planning Officer advised that the provision of parking spaces was in line with the requirements of the Highway Authority and was dependent on the number of bedrooms. She also confirmed that the provision of solar panels had been discussed with the applicant, but that the application had been considered acceptable without. The electricity supply for running the heat pumps was sufficient and there were permeable materials proposed for the shared public spaces. She also made the point that recommended Condition 5 would cover the possibility of noise disturbance from the heat pumps and that there was no justification to remove permitted development rights. Finally, she confirmed that the full suite of contaminated land conditions was recommended.

At the conclusion of the debate, it was proposed by Councillor Heather Shearer and seconded by Councillor Susannah Hart that the application be approved in accordance with the Officer's Recommendation set out in the Report. On being put to the vote the proposal was carried with 10 votes in favour and 1 against.

RESOLVED

That planning application 2021/0050/FUL be approved in accordance with the Officer's Recommendation.

31 Planning Application 2022/0258/FUL - Blostins Restaurant, 29 - 33 Waterloo Road, Shepton Mallet, Somerset - Agenda Item 9

Application for part change of use from restaurant Class E(b) to residential Class C3.

The Officer's Report stated that this application had been referred to the Planning Committee as requested by the Chair and Vice Chair of the previous Planning Board at Mendip District Council as they disagreed with the Officer's proposal to refuse the application.

The Report continued that the proposal was for the change of use of the restaurant to residential with the overall result being two dwellings. The site was located within a Conservation Area and was within the development limits of Shepton Mallet. The site was also located within the Somerset Levels and Moors Ramsar catchment.

Shepton Mallet Town Council had supported the application but there had been no letters of support or objection from local residents.

Regarding phosphates, the Report stated that the application site fell within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. There was a major issue with nutrients entering watercourses and any new housing, including single dwellings, would result in an increase in phosphates contained within foul water discharge. As the designated site was in 'unfavourable' condition, any increase, including from single dwellings, was seen as significant.

The applicant had not provided a Nutrient Neutrality Assessment and Mitigation Statement (NNAMS) and based on the information available, it was not possible for the Council to determine whether the proposal would have an acceptable effect in relation to the Somerset Levels and Moors Ramsar site, and as such it failed Regulation 63 of the Habitat Regulations 2017. The Report continued that it was also not possible to determine the effect on protected species and as such the Recommendation was for refusal.

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

The Chair invited the agent for the applicant to speak on their behalf. He made the following points:

- The owners of the restaurant had been trying to sell it for a considerable amount of time but have been unsuccessful. They would like to convert the restaurant to a residence and make two properties, one of which they would sell.
- The Phosphate calculator was flawed as it did not take into account the loss of the restaurant business and how that would result in an overall reduction in phosphates emitted.
- As a restaurant, the water usage was between 400 and 600 litres per day. As a dwelling this would reduce to 150 litres per day. This was an obvious benefit to the Somerset Levels and Moors Ramsar site.

Before the Committee debated the application the Legal Advisor re-iterated that the proposal failed Regulation 63 of the Habitat Regulations 2017, which prohibits the Council from granting planning permission unless it is sure beyond reasonable doubt that the development it will not adversely affect the integrity of the Ramsar Site. He urged Members not to make an unlawful decision by granting permission for the development without the necessary evidence to demonstrate that it would be nutrient neutral.

During the debate the following points and questions were raised by some Members:

- Great sympathy was felt for the owners of the restaurant that they were in this difficult position.
- The Phosphate calculator did not seem fit for purpose. How could it be fixed?
- What solution could the Planning Officer offer the applicant to solve the problem?
- It seemed common sense to approve the application despite the Regulations. What would be the risk of doing this?
- Could the application be deferred to allow the applicant to work with Planning Officers to find a phosphate solution?

In response to these questions the Legal Advisor said that the Phosphate calculator had been adopted Somerset-wide and that it had been approved by Natural England. It would not be lawful to ignore the Habitat Regulations. The Team Leader – Development Management advised there were a number of mitigation schemes available, and the applicant could purchase P-credits in those schemes to mitigate against the phosphates. Deferral of the application to explore these options would be a possibility.

Many Members agreed that deferral would be useful as it would give the applicant every opportunity to consider the Phosphate mitigation. Councillor Susannah Hart requested that Planning Officers agreed to undertake to contact Natural England about the issue with the Phosphate calculator.

At the conclusion of the debate, it was proposed by Councillor Heather Shearer and seconded by Councillor Nick Cottle to defer the application for up to 2 months to allow the applicant to secure mitigation against the Phosphate emissions. On being put to the vote the proposal was carried with 9 votes in favour and 1 against with 1 abstention.

RESOLVED

That planning application 2022/0258/FUL be deferred for a period of up to 2 months to allow the applicant to secure mitigation against the Phosphate emissions.

Before the meeting was closed, the Chair permitted Councillor Helen Kay to raise the issue regarding the lack of ability to browse Minutes and papers from the old Mendip District Council website. In response, the Head of Service explained that the link from the former District Council website to the new Somerset Council website would be secured in time. However, this had been an issue from the migration and was still being resolved. In the meantime, Members and the public could request to see previous Minutes and papers via an online form.

(The meeting ended at 5.00 pm)

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CHAIR

Planning Board

DATE: 1 August 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 Councillors who have a query about anything on the agenda are requested to inspect the file and talk to the case officer prior to the meeting.
- 4 Any members of the public wishing to make late additional representations should do so in writing or contact their Divisional Councillors prior to the meeting. Please give a day's notice if you wish to inspect a file if this is possible.
- 5 Letters of representation referred to in these reports together with any other background papers may be inspected at any time prior to the Meeting and these papers will be available at the Meeting.
- 6 For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, 'background papers' in accordance with section 100D will always include the case officer's written report and any letters or memoranda of representation received.

Schedule of Applications

Planning Board - 6 June 2023

Application Number	Site/Division/Member	Proposal	Recommendation	Case Officer
2020/0832/OTS	Land at 345552 136293 Main Street Walton Street Somerset Mendip West Division	Outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.	Approval	Anna Jotcham
2021/2070/OTS	Land At 354940 138061 Newtown Lane West Pennard Glastonbury Somerset Mendip South Division	Outline planning application with all matters reserved except for access for the erection of 1No. 4 bedroom dwelling house	Approval	Nikki White
2022/1455/FUL	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset Glastonbury Division	Installation of 4no. floodlights at show tennis court	Refusal	Nikki White
2022/1456/FUL	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset Glastonbury Division	Proposed installation of 4no. floodlights at triple court	Refusal	Nikki White
2022/1521/FUL	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset Glastonbury Division	Proposed installation of 6no. floodlights at hockey pitch	Refusal	Nikki White

2023/0687/FUL	Middle Ivythorn Farm Ivythorn Lane Walton Street Somerset Mendip West Division	Construction of driveway and change of use of land to garden	Approval	Kirsty Black
2023/1084/FUL	Land At 369311 147357 Quarry Lane Leigh On Mendip Shepton Mallet Somerset Mendip Central And East Division	Convert Barn to form terrace of 3no. single storey dwellings.	Approval	Jennifer Alvis

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Application Number	2020/0832/OTS
Case Officer	Anna Jotcham
Site	Land At 345552 136293 Main Street Walton Street Somerset
Application Number	2020/0832/OTS
Date Validated	1 May 2020
Applicant/ Organisation	Mr F Rizzuti
Application Type	Outline - Some Matters Reserved
Proposal	Outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.
Division	Mendip West Division
Parish	Walton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Matthew Martin

WHAT 3 WORDS

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

///continued.ironic.hook

SCHEME OF DELEGATION

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

SITE DESCRIPTION AND PROPOSAL

The application site is located on land adjacent to Main Street (A39), Walton, Street. The site is open green space between the residential dwellings at Higher Farm (to the east) and Sunset View on Bramble Hill (to the west).

Residential properties align the A39 in this location, but the surrounding area is relatively rural in nature with open countryside to the west. There is an existing access from the A39 to the site in the form of an unclassified track. This track is currently used as an access for an adjacent residential property to the east of the site, and access to pastureland to the south. This access is proposed to be upgraded as part of the proposal.

The site falls outside of any designated development limit and is currently agricultural land. Additionally, the site falls within an SSSI Impact Risk Zone and Somerset Levels and Moors Ramsar Risk Area.

The application seeks outline planning consent for the erection of six dwellings with only the means of access to be determined at this stage. Matters of layout, appearance, landscaping, and scale are to be determined at the reserved matters stage. The application is supported by a site layout plan outlining access from the public highway with visibility splays and pedestrian access. The site layout plan is indicative at this stage but shows how six dwellings could be accommodated on the site and includes an internal road layout, parking, and landscape buffer along the northern boundary.

The application is supported by a suite of technical reports including a Design and Access Statement, Bat and Wildlife Survey and Extended Habitat Survey. At the request of officers, further information has been submitted in respect of Phosphates.

RELEVANT PLANNING HISTORY

None identified.

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) Post JR Version
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing

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

Other possible relevant considerations (without limitation):

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

SUMMARY OF CONSULTATION RESPONSES

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

Divisional Member (Cllr Matt Martin) – Refer to Committee; the development could have a detrimental impact on the structure of the village and would set an unwelcome precedent for development outside the accepted limits of development.

Walton Parish Council – Objects for the following reasons:

- Outside development limits and urban sprawl – Walton has already exceeded the housing requirement within the local plan.
- Environmental Impact – Lack of an up-to-date ecology survey.
- Highways safety – the application site falls on a curve in the road (A39) and increased traffic here would be hazardous; an application for nine homes opposite has been approved (cumulative effect); application approved for dwelling using the same access (overcrowded development).

Local Highway Authority – No objection, subject to conditions.

Environmental Protection – No objection, subject to condition.

Ecologist – No objection, subject to conditions.

Drainage Engineer – No objection, subject to condition.

Natural England – No objection, subject to conditions.

Local Representations –

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

- Highway safety issues; cumulative use of access, insufficient visibility, volume and speed of cars on the A39, does not promote sustainable travel (reliant on private cars).
- Drainage; proposal will connect to existing private drainage which is at capacity.
- Ecology; surveys are out-of-date.
- Amenity; loss of privacy for neighbouring dwellings.

1 supporting comment has been received.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

Policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan directs most of the growth in the plan area to the five principal market towns of Frome, Glastonbury, Shepton Mallet, Street and Wells, to enable the most sustainable pattern of growth. In the rural parts of the plan area, and in accordance with the defined settlement hierarchy, the policy seeks development to meet local needs within the villages. Walton is identified in the strategy as a secondary village.

Policy CP2 (Supporting the Provision of New Housing) defines the housing requirement for the plan area and sets out the growth to be distributed within the various settlements. It provides minimum housing figures for the towns and an overarching figure for all the villages (primary, secondary and other). Table 9 in the supporting text of the policy indicates that the housing requirement for Walton is 40 dwellings. This is based on a proportionate approach to growth in the villages of around 15% of the existing housing stock.

The application site is on the edge but lies outside the development limits for Walton and in planning policy terms is in the open countryside. Development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP4 (Sustaining Rural Communities). This allows rural affordable housing, for the benefit of the community where there is evidence of local needs and to be held in perpetuity. Whilst Walton is recognised as a sustainable settlement, and the site is close to village services and facilities, the development would not accord with the policy exceptions. On this basis the principle of the proposed housing development in this location is not acceptable.

The Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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

HOUSING MIX

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

The mix of dwellings will be addressed at the reserved matters stage, but there is no reason as to why these objectives will not be achieved.

DESIGN AND VISUAL IMPACT CONSIDERATIONS

The application is in outline with only the means of access to be determined. Matters of appearance, scale and landscaping will be considered at the reserved matters stage.

The proposed site location falls just outside the development limits of Walton, and the indicative site layout plan shows the proposed dwellings erected with a linear character based predominately along the A39. East of the application site in the direction of Walton there are increased clusters of properties set back from the A39.

The existing site is currently agricultural land. There would inevitably be a change in the character of the site and some encroachment into the countryside. However, the site is not a designated / protected landscape, and it is not classified as green belt (development of a greenfield site is not the same as being green belt). The loss of agricultural land would have an impact on the wider street scene and character of the area, but there are already existing properties on the A39, and a development of the scale proposed would not be out of place. From observations on site, coupled with the outline information provided, it seems likely that the visual impact on the surrounding area will be localised, and in proportion with the proposals.

The submission identifies a series of measures to help minimise any adverse impacts and maximise the green infrastructure benefits of the proposals. These include the retention of a landscape buffer along the north boundary and planting along the western and eastern boundaries. Landscaping is a reserved matter, but the submission provides confidence that the six dwellings proposed can be delivered alongside an acceptable landscape scheme that will ensure that the development assimilates successfully into the local and wider landscape. Whilst there will no doubt be a change in the character of the site overall this is considered acceptable.

The parish council has raised objection, stating that if the application were to be approved the dwellings must be constructed in blue lias stone to match the existing street scene. It has also requested that hedgerows are retained / planted along the entire site boundary. Matters of appearance and landscaping will be dealt with at reserved matters stage and are not for determination here.

SUSTAINABLE CONSTRUCTION

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

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

e) maximise opportunities for:

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

Given these requirements and the Council's green pledge, a condition is attached to ensure that sufficient measures are secured at reserved matters stage. In the interests of water efficiency, any emerging scheme should ensure that each dwelling is provided with rainwater measures such as water butts, again this can be secured via a condition.

Subject to the inclusion of conditions, it is considered that appropriate sustainable construction and renewable energy methods will be secured in any future scheme. The development is therefore compliant with the relevant parts of policy DP7.

ECOLOGICAL IMPLICATIONS

The proposal is on previously undeveloped land offering the potential to support ecological habitats. The site and its surroundings have no ecological designations and are not known or suspected to provide a habitat for protected or priority species.

The development will change the setting and nature of the land from open green space to hardstanding and residential dwellings. Therefore, the proposal should ensure that all means of conservation and the protection of biodiversity is ensured and attained.

The submitted ecological wildlife survey confirms that the land is of semi-improved rank grassland with large hay bales and some stone rubble in its southern part. Therefore, within the site and its boundary there are potential spots for wildlife development. The Council's ecologist has been consulted on the application and has raised no objection, subject to conditions.

It was determined in consultation with Natural England, that the application required a Habitats Regulations Assessment (HRA) / Appropriate Assessment (AA). This is because the application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates. The Ramsar is in 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to increase the total phosphorous through both the wastewater treatment effluent as well as surface water run-off from public open space associated with the scheme.

The Shadow HRA (sHRA), prepared on behalf of the applicants, has been filed as the HRA record for the determination of the planning application. The sHRA identifies a likely significant effect on the Ramsar site because of the water quality arising from the additional load of phosphates associated with the development both alone and in combination with other known phosphate loads. Mitigation is required to achieve nutrient neutrality.

The proposed mitigation strategy involves upgrading two septic tanks which are within the same sub-catchment as the application site (the River Brue), to package treatment plants. After December 2024 (following programmed upgrades to the Glastonbury Waste Water Treatment works) a single package treatment plant upgrade will be sufficient to mitigate the nutrient load of the development. The septic tank upgrade(s) will provide a reduction in phosphates and generate a nutrient neutrality position. This will allow the development to proceed without

resulting in an adverse effect on integrity of the Somerset Levels and Moors Ramsar. The works to upgrade the septic tank(s) will need to be secured via a legal agreement.

The Council has considered the content and measures designed to mitigate the impacts of the proposed development on the Ramsar site, set out in the applicant's sHRA. The Council agrees with the conclusion that any such impacts will be fully mitigated taking into account the measures proposed. As a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England supports this view.

Conditions have been included where appropriate. Providing these conditions are adhered to, the proposal is considered ecologically acceptable.

HIGHWAY SAFETY

Policy DP9 (Transport Impact of New Development) and DP10 (Parking Standards) set out a range of criteria to ensure that new development provides safe access arrangements that avoid causing traffic or environmental issues on the transport network; avoid direct access onto National Primary or County Routes; and, where appropriate, demonstrate how sustainable modes of transport would be promoted.

The proposed access is currently off of Main Street (A39) which has a designated speed limit of 30mph, it has been noted by a number of neighbour objections and parish comments that the speed limit is regularly exceeded within the vicinity of the proposed access at Main Street. The PIC records for the past five years show only one incident with 500m of the proposed access which was noted as a 'driver error'. Whilst there are concerns over vehicular speeds at this point on the public highway, it is considered by the Highway Officer that through careful management the influx of traffic movements here could be delivered and regulated safely.

The access track to the site is an unclassified road which is utilised by a single dwelling and accesses an open field to the rear of the site. It is considered that this development would bring a substantial intensification to a currently substandard access. However, the plans show that the access will be improved to accommodate increased traffic movements, and this would become wide enough at its bellmouth to accommodate two-way traffic flows.

The site access is on a bend in the A39, and the proposed access demonstrates visibility of 2.4m x 43m in either direction which is considered acceptable.

The proposal would greatly improve the pedestrian access to the site by introducing a pavement to the west of the proposed access. There would also be the introduction of an uncontrolled pedestrian crossing facility to access the pedestrian way to the north of the A39. The proposed tactile paving has acceptable visibility from either side of the road in both directions in accordance with highways safety standards. The pedestrian access and crossing will be ensured by a relevant condition and legal agreement with the Highway Authority.

Internal road layouts, parking and turning are to be considered at the reserved matters stage. Details of what is required at reserved matters stage will be secured through condition.

Overall, it is concluded that the proposed development, is acceptable in highway terms. The improvements to the footways will be of benefit to both existing and future residents. Subject to conditions and legal agreement with the Highway Authority to secure the construction of the necessary highway works the proposal complies with DP9 and DP10.

DRAINAGE AND FLOODING

The site is not located within any designated flooding areas, but the proposal will increase impermeable surface areas significantly. Therefore, to adequately control surface water run-off conditions are required.

IMPACT ON RESIDENTIAL AMENITY

At this stage the layout proposed within the plans is indicative though the plans demonstrate that multiple dwellings could be accommodated within the application site without causing adverse harm to the amenities of neighbours, or future occupiers. There is ample space in this area, and it is considered that through careful design, the dwellings could be designed without causing adverse harm to existing or future residential amenities. This issue will be fully assessed at the reserved matters stage and is not a matter for determination here.

HEALTH CARE PROVISION

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

PLANNING BALANCE / CONCLUSION

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

The site lies adjacent to the village of Walton, and as such, has a close relationship with the village itself. The application site is privy to the local infrastructure and transport links of the village.

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

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

Concerns about the impact on living conditions and loss of privacy are understood but there is space within the site to accommodate the number of dwellings proposed. The detailed design of the scheme through the consideration of reserved matters would ensure the preservation of acceptable living conditions for neighbours.

Regarding phosphates, Natural England and the Council's Ecologist are satisfied that subject to the proposed mitigation measures the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site.

There are no flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions.

Overall, the development is sustainable development, and the application is therefore recommended for approval, subject to conditions and planning obligations secured in a legal agreement. The planning obligations are set out within the report but comprise provision of off-site highway works (secured through a section 278 agreement) and works to secure the required septic tank upgrades (secured through a section 106 agreement). This is necessary to make the development acceptable in planning term. This is directly related to the development and fairly and reasonably related in scale and kind to the development. It would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

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. 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) layout (b) scale (c) appearance and (d) landscaping of

the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced.

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

4. **Plans List (Compliance)**

This decision relates to the following drawing received 7 July 2020:

SL01 revC (Site Layout)*

[*Details of access only approved].

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

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

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

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

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

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

Prior to construction above damp-proof course level, a "lighting design for bats", following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) shall be submitted to and approved in writing by the local planning authority. The design shall

show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the agreed details and maintained as such thereafter. No other external lighting shall be installed.

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).

8. **Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include the following, or similar:

- a. A Habibat 001 bat box;
- b. A cluster of five Schwegler 1a swift bricks;
- c. Four Vivra Pro Woodstone House Martin nests;
- d. Two Schwegler 1SP Sparrow terraces;
- e. A bee brick;
- f. New fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle.

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

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent as the commencement of works without these details could have a harmful impact on protected species.

9. **PTP Requirements in Phosphate Affected Area (Pre-Occupation)**

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

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

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

The development hereby approved shall be carried out in full accordance with the approved 'Shadow Habitats Regulations Assessment (sHRA) Creation of Six Dwellings on Land off Main Street, Walton, Somerset' (18th May 2023) & 'Nutrient Neutrality Assessment and Mitigation Strategy Creation of six dwellings on land off Main Street, Walton, Somerset' (18th May 2023).

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.

11. **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 'Shadow Habitats Regulations Assessment (sHRA) Creation of Six Dwellings on Land off Main Street, Walton, Somerset' (18th May 2023) & 'Nutrient Neutrality Assessment and Mitigation Strategy Creation of six dwellings on land off Main Street, Walton, Somerset' (18th May 2023).
- b. Formal confirmation of management arrangements of an OFWAT registered provider in perpetuity if required.
- c. Details of ongoing annual monitoring arrangements
- d. Confirmation of permit arrangements with the Environment Agency. The development shall accord with the 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.

12. **Pedestrian Crossing (Compliance)**

The proposed access and uncontrolled pedestrian crossing shall be constructed in accordance with details shown on the submitted plan, Site Layout dwg no: SL01 revC, and shall be available for use before occupation of any of the dwellings hereby approved. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure that the development is served by an adequate means of access in

accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. No occupation shall commence until the development has been constructed in accordance with the approved details and retained in perpetuity thereafter.

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

14. **Dwelling Access (Pre-occupation)**

The proposed roads, including footways and turning spaces, where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, is served by a properly consolidated and surfaced footway and carriageway to at least base course level between the dwelling and the existing highway.

Reason: To ensure that the development is served by an adequate means of access in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation shall commence until parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be thereafter kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

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

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

No occupation of the development shall commence until the visibility splays shown on drawing number SL01 revC has been provided. There shall be no on-site obstruction exceeding 600 millimetres above adjoining road level in advance of lines drawn 2.4m metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. The visibility splay shall be retained permanently thereafter.

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

17. **Provision of Cycle Parking (Pre-Occupation)**

No individual dwelling shall be occupied until a cycle store for that individual unit has been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The works shall be permanently retained and maintained in accordance with the approved details thereafter.

Reason: In the interests of promoting sustainable travel alternatives having regards to DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. **Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

19. **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 occupation.

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.

20. **Noise Emissions (Compliance)**

Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri	08.00 - 18.00
Sat	08.00 - 13.00

Where noise exceeds a level of 3 dB(A) below the existing background L90 level (or 8 dB (A) below if there is a particular tonal quality) when measured as a 15 minute equivalent continuous sound level at the boundary of any noise sensitive receptor.

Reason: To safeguard the amenities of nearby occupiers in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Storage of Recycling and Waste (Pre-occupation)**

No individual dwelling within the development hereby approved shall be occupied until provision for the storage of recycling and waste containers has been made for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to DP3, DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

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

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

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

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

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

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

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

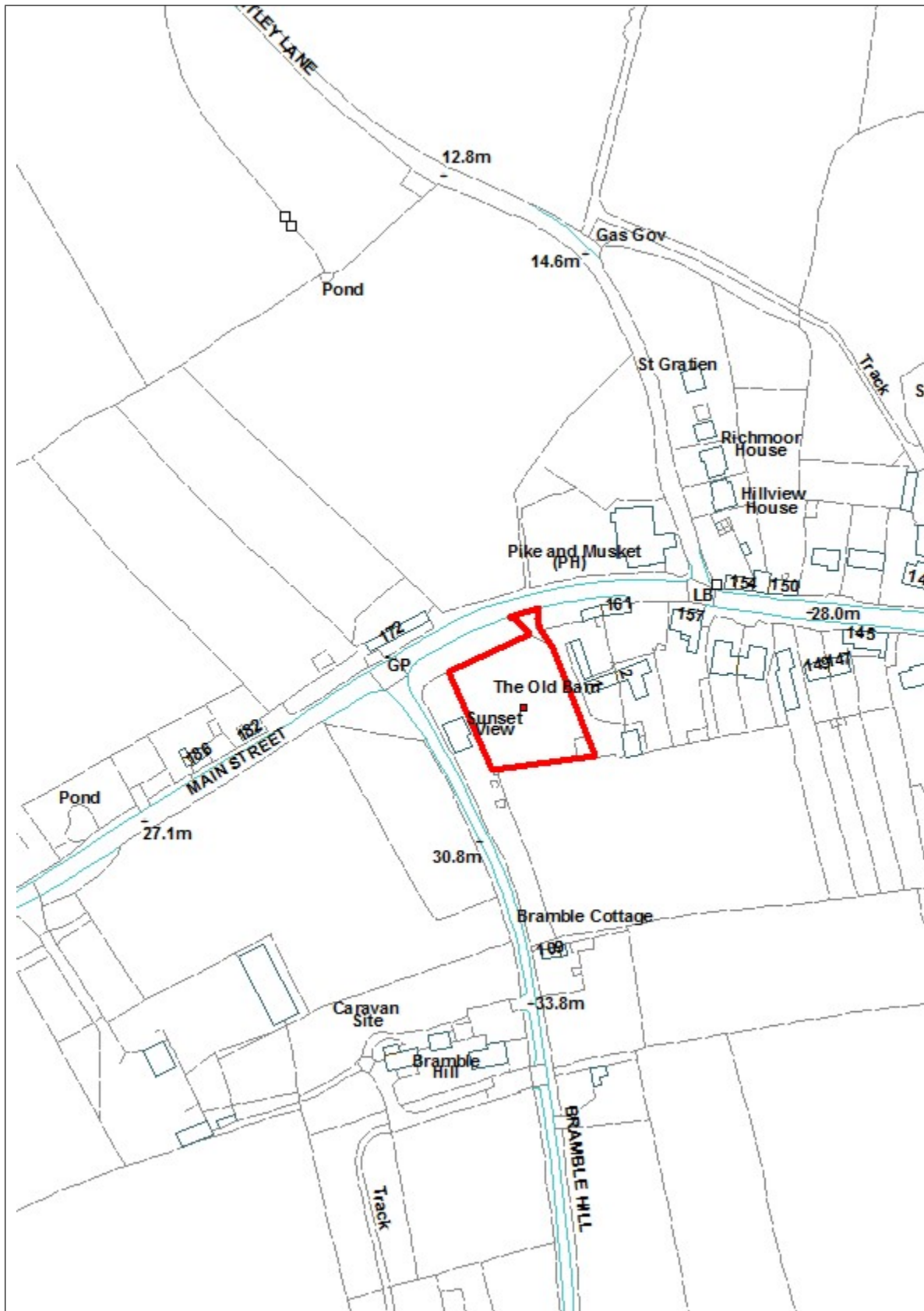
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the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

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

4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>

5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
7. 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.
8. The mix of dwellings within the proposed development should reflect the local need for smaller family homes and single storey properties (to facilitate younger families and the elderly to remain within the village). This need is outlined within the independent Walton Housing Needs Survey.
9. No removal of buildings, structures, trees or shrubs shall take place between 1st March and 31st August unless an experienced ecologist has checked the Site for breeding/nesting birds. If there is evidence of breeding birds the work must be delayed until the chicks have fledged or suitable working distances observed so as not to disturb the birds.
10. Prior to any vegetative clearance or groundworks, any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10½C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut, vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles and hay bales which potentially afford resting places for reptiles should be dismantled by hand under the supervision of a competent ecologist in April or August to October and any individuals found translocated to a suitable location on site.

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Planning Board Report 1st August 2023 - 2020/0832/OTS
Land At 345552 136293
Main Street
Walton
Street
Somerset

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Agenda Item 7

Application Number	2021/2070/OTS
Case Officer	Nikki White
Site	Land At 354940 138061 Newtown Lane West Pennard Glastonbury Somerset
Application Number	2021/2070/OTS
Date Validated	21 September 2021
Applicant/ Organisation	Mrs Creed
Application Type	Outline - Some Matters Reserved
Proposal	Outline planning application with all matters reserved except for access for the erection of 1No. 4 bedroom dwelling house
Division	Mendip South Division
Parish	West Pennard Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr John Greenhalgh

What3words:

The application site can be found by entering the following into www.what3words.com:

trendy.upwards.swarm

Scheme of Delegation:

In accordance with the Scheme of Delegation, this application is automatically referred to the Planning Committee. This is because this residential development proposal outside the West Pennard development limits represents a departure from the development plan.

Description of Site, Proposal and Constraints:

The application relates to a greenfield site south of Newtown Lane in West Pennard. The site is outside but adjacent to the southern boundary of the development limit of West Pennard, which is designated as a 'secondary village' in the Local Plan. In relation to planning constraints, the site is within the phosphates catchment area, the SSSI Risk Impact Zone and adjacent to an Area of High Archaeological Potential.

The application seeks outline permission with all matters reserved except access for the erection of a 4 bedroom dwelling. The concept plan, submitted to demonstrate the proposed access but also giving an indication of a possible future layout, shows a detached dwelling,

detached garage, parking, turning area, garden, patio and landscape buffer on the boundaries of the site could be delivered on the site.

Relevant History:

No known relevant planning history.

Summary of Comments:

Ward/Divisional Member: no comments received

West Pennard Parish Council: objection

- Inappropriate on agricultural land.
- Highways safety concerns

Archaeology: no objections

- No known archaeological implications.

Highways: standing advice

Land Drainage: no objections subject to conditions (summary of final comments following submission of additional information)

- The site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map. However, the highways around the site are shown to be at high risk of surface water flooding with instances of historic flooding having been recorded. Therefore, it is imperative that surface water from the site is managed effectively.
- The proposals will increase the impermeable areas of the site and therefore the volume of surface water runoff. The application form indicates that a soakaway or sustainable drainage system will be used for the management of surface water but no further details are provided. Soils mapping indicates slowly permeable seasonally wet slightly acid but baserich loamy and clayey soils. Infiltration testing results in accordance with BRE Digest 365 and details of ground water levels will be required to demonstrate whether soils on the site are suitable for infiltration.
- An alternative receptor for the surface water discharge from a sustainable drainage system is available to the ditches system on land with the applicant's ownership (subject to the necessary consents). Therefore, a feasible route of discharging surface water from the development in accordance with the discharge hierarchy has been identified and the detailed drainage design can be conditioned.

- Foul drainage is to be connected to the mains sewer.

Ecology: no objection subject to conditions/legal agreement (summary of final comments)

- Suggested phosphate mitigation is acceptable
- Shadow HRA is acceptable and endorsed by Somerset Council Ecology

Natural England: no objection subject to mitigation being secured

- Habitats Regulations Assessment (HRA) appropriate assessment concludes proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Trees: no comments received

Local Representations:

Three letters of objection have been received raising the following issues:

- Outside development limits
- Could set a harmful precedent
- Loss of high quality agricultural land
- Highway safety concerns – road users and pedestrians
- If parish councillors have conflicts this should be declared and actioned accordingly.

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

www.mendip.gov.uk

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

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

- CP1 - Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP4 – Sustaining Rural Communities
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip’s Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP16 - Open Space and Green Infrastructure
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

In accordance with the Spatial Plan as set out in the adopted Mendip District Local Plan - Part 1 (LP1), Core Policy 1 (CP1) sets out a hierarchy for future development. CP1 says that to enable the most sustainable pattern of growth for Mendip district the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). In rural parts of the district, development should be “tailored to meet local needs” in primary villages first, then secondary villages, with open countryside sitting at the bottom of the hierarchy. As this site is adjacent but outside the development limits of West Pennard, a secondary village, it sits low within the hierarchy.

Core Policy 2 (CP2) of the LP1 states that the delivery of new housing will be secured from three sources:

- (a) infill, conversions and redevelopments within development limits defined on the proposals map
- (b) strategic sites identified on the key diagrams for each town associated with Core Policies 6-10
- (c) other allocations of land for housing and, where appropriate, mixed use development, outside of development limits through the site allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

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

Local Plan Part 2 (LP2) does not allocate any new residential land in West Pennard. Minor changes to the development limit included 3 houses which had been delivered since LP1. LP2 confirms that 6 dwellings could be delivered in the plan period (i.e. up to 2029) within the Development Limit.

The Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply in accordance with the requirements of the NPPF. The Local Plan policies therefore carry reduced weight and para 11d of the NPPF requires planning permission to be granted in accordance with the presumption in favour of sustainable development unless adverse impacts of doing so would be 'significant and demonstrable'. As such, the principle of development needs to be considered in the 'tilted balance' and the principle of this application can only be refused if harms are 'significant and demonstrable'. This is considered in the overall planning balance section below.

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

This application is submitted in outline with matters of appearance, landscaping, scale and layout all reserved for later consideration. This application is considering the principle of development and the proposed access.

The proposal seeks permission for a 4 bedroom dwelling. The submitted concept plan demonstrates there is sufficient space within the site to deliver the dwelling and associated development – in this case, the concept plan shows a garage, parking, turning and garden.

The spatial characteristics of the locality are not unusual for a secondary village within the rural parts of the district. They include low density, detached dwellings, which are set back from the road within generous plots. The proposed dwelling would sit immediately adjacent to the

development limit and the dwelling Lippeatts, and close to various other dwellings in the immediate locality. The characteristics of the site, including relationship to the road size and layout of plot, would mean the proposed development would integrate with the spatial characteristics of the village.

The proposed new access would come off Newtown Lane. It would consist of a single new access point. Although opposite an existing junction, in urban design terms this would not harm the character and appearance of the local area such to warrant refusal of the application in this case.

In conclusion on this matter, the outline proposal shows a scheme could be delivered which is acceptable in terms of design, siting, scale, massing, layout and materials. The principle of development and the access represent development which responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

As the proposal is submitted in outline, details of scale, siting, fenestration etc. have yet to be confirmed. The characteristics of the site, including position and shape, indicate that a scheme could be delivered on the site with acceptable impacts on neighbouring amenity.

In conclusion on this matter, this outline proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The shadow Habitats Regulations Assessment (sHRA) includes an Ecological Impact Assessment (EIA). The EIA includes a desk based assessment and on site phase 1 habitat survey, with extended surveys for dormice and badgers. This concludes the application site is subject to no statutory designations for nature conservation. The application site is approximately 10.3km from the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar. The EIA identifies 6 non statutory designated sites of nature conservation including local wildlife sites 0.97km-2.7km from the application site. The EIA confirms the application site includes modified grassland field and species rich hedgerows. Hedgerows are listed as a Priority Habitat. The EIA concludes the following in relation to habitats and protected and notable species:

- Nesting birds - the hedgerows are suitable for nesting birds. All birds, their nests, eggs and young are legally protected

- Amphibians - the hedgerows and grassland provides suitable habitat for common amphibians including toad, which is a priority species. No evidence of great crested newts and low risk associated with proposed development.
- Reptiles - the hedgerows and grassland provide suitable habitat for reptiles, which are legally protected.
- Bats - no suitable roosting locations identified. Hedgerows and field margins likely to provide suitable foraging and commuting habitat for bats. Bats are legally protected.
- Badgers - no evidence recorded or found, although badgers could periodically forage within the site. Badgers are legally protected.
- Hazel dormouse - no records or evidence found. EIA concludes hazel dormouse absent from site.
- Hedgehog - the site provides suitable habitat for hedgehog which is a priority species.

The submitted EIA includes proposed mitigation and enhancement measures including retention of hedgerow; planting an additional 78m of species rich hedgerow around the east and south of the site; around 500m² of wildflower meadow planting in the margins of the garden; installation of a bird box; installation of a bat box; and lighting controls. These proposed measures are considered suitable and acceptable. Conditions are recommended which would see these recommendations met; and a lighting condition would ensure details of any lighting would be agreed with the local planning authority beforehand.

Notwithstanding the application states biodiversity net gains would be delivered as part of this outline application, this matter would be further considered as part of any reserved matters planning application. The Environment Act will require at least 10% biodiversity net gain as of November 2023, and any reserved matters application would likely need to demonstrate compliance with this requirement.

Various informatives are recommended to remind the applicant of their legal obligations, including the statutory protections afforded to birds and badgers.

In conclusion on this matter, the proposed development would not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Phosphates:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. Any new housing, including single dwellings, would result in an increase in phosphates contained within foul water discharge. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

Following ongoing discussions with the applicant and agent, the applicant has proposed to upgrade an existing package treatment plant (PTP) on another residential property elsewhere within the same phosphates catchment area, Southtown Cottage, Southtown Lane, West Pennard - which is the home of a member of the applicant's family.

This approach has been considered and accepted by the Somerset ecologist. The applicant has submitted a shadow Habitat Regulations Assessment (sHRA) which has been endorsed by the Somerset ecologist and referred to Natural England, where it has been confirmed to be acceptable subject to conditions and legal agreements. As the PTP to be upgraded does not fall within the application site (red line) for this application, a legal agreement would be required to secure delivery of the PTP upgrade in line with agreed maintenance and management in order to confirm a reduction in phosphate loading elsewhere within the catchment and allow development of the dwelling associated with this planning application.

Extracts from submitted 'Nutrient neutrality assessment and mitigation strategy for Land off Newtown Lane, West Pennard, Glastonbury, Somerset, BA6 8NL' (NNMAS):

"In accordance with the Somerset Advice Note - Considering Package Treatment Plants and Septic Tanks as part of nutrients mitigation in Somerset1 it is proposed that to mitigate the additional +0.65 kg TP/year from the proposed development the existing septic tank at Southtown Cottage, Southtown Lane, West Pennard, Glastonbury, Somerset BA6 8NS will be replaced by a new package treatment plant. The positions of the development and Southtown Cottage are shown in figure 2 below. Southtown Cottage is in the ownership of Derek and Pam Creed the parents of the applicant."

"It is proposed that the existing septic tank is replaced with a Sequencing batch reactor (SBR) GRAF One2Clean package treatment plant (PTP). This system is biological and so no chemical dosing is required."

*"A reduction from 1.22 kg TP/yr to 0.17 kg TP/yr of - **1.05 kg TP/yr** will be achieved by installing the new PTP at Southtown Cottage, which will mitigate the surplus +0.65 kg TP/yr from the proposed development whilst leaving an overall improvement of - **0.4 kg TP/yr within the catchment therefore Nutrient neutrality is achieved.**"*

"The Package treatment plant will be installed following the manufacturer's installation and assembly instructions. The plant should be operated in accordance with the manufacturer's latest Operating Manual an example of which is included in Appendix 3. The monitoring and maintenance checklist is to be followed and records kept within PTP logbook. Failures, maintenance work, sludge removal, maintenance reports and other incidents should all be recorded in the operations logbook."

The system will be replaced by the owner of the property as and when required to ensure maintained treatment efficiency for perpetuity.”

The sHRA concludes:

“It is concluded that the project will not adversely affect the integrity of the Somerset Levels and Moors Ramsar Site, either alone or in-combination with other plans or projects. Mitigation has therefore been secured in perpetuity.”

The Somerset ecologist has confirmed the following three controls would be necessary to secure appropriate phosphate mitigation:

1. Compliance with the shadow HRA and NNMAS to include installation, maintenance and retention in perpetuity of a replacement PTP at nearby Southtown Cottage. Although formal comments from the ecologist have recommended this be covered by condition, as Southtown Cottage is not within the red line boundary of this application site, this matter would need to be secured via legal agreement - this mechanism has been agreed with the Somerset ecologist. The legal agreement would need to specify the PTP, it's discharge rates, and confirm chemical dosing will not take place. This legal agreement will continue these controls in the event that the PTP is replaced in future.
2. Submission and agreement with the LPA of a detailed management plan for the ongoing maintenance of the PTP at Southtown Cottage. Again, as Southtown Cottage is outside the red line boundary associated with this planning application, this matter will need to be set out as an obligation in a formal legal agreement with the applicant and the owners of Southtown Cottage. Confirmation of this control mechanism (i.e. via legal agreement rather than condition) has also been agreed with the Somerset ecologist.
3. Controls on water consumption at the proposed new dwelling. This is a standard condition which is included on all phosphate related permissions involving PTP's. As this relates to the proposed dwelling on the application site, this requirement can be included within a planning condition and will not need to form part of the legal agreement.

As such, the following planning obligations are recommended in a legal agreement:

Nutrient Neutrality Statement

The development hereby approved shall be carried out in full accordance with the approved 'Shadow Habitats Regulation Assessment (sHRA)' dated 05.04.2023 and 'Nutrient neutrality assessment and mitigation strategy' dated 13.03.23. This shall include installation of a Sequencing Batch Reactor (SBR) GRAF One2Clean package treatment plant (PTP) at Southtown Cottage, Southtown Lane, West Pennard, Glastonbury, Somerset BA6 8NS that does not require any chemical dosing, and achieves 1.6 mg/l concentration of phosphorous per litre of effluent discharged.

Maintenance Plan

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 'Shadow Habitats Regulation Assessment (sHRA)' dated 05.04.2023.
- 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 Maintenance Plan in perpetuity.

Subject to the inclusion of planning obligations in a legal agreement and planning condition, as outlined above and confirmed with the Somerset ecologist and Natural England, the proposal is considered acceptable in this regard.

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

Assessment of Highway Issues:

GIS mapping shows Newtown Lane as being an unclassified, unnumbered road. The highways standing advice confirms that Manual for Streets is the appropriate guidance for visibility splays, and visibility splays should be determined by the posted speed limit. It is understood the speed limit at this site is 30MPH. The standing advice confirms that the stopping sight distance (SSD), adjusted to take into account a bonnet, is 43m in this case. The submitted concept plan demonstrates that this visibility splay can be achieved. Proposed landscaping would need to take this into account – and this would need to be addressed as part of any reserved matters application. A condition is recommended which would see this visibility splay in place prior to occupation of the dwelling. It would also require it is retained in perpetuity. The existing road

layout, including nearby junction with Church Lane, has been considered in the assessment of this application. In this case, although not ideal, considering the modest scale of development proposed, the proposed new access is on balance considered acceptable. As such, the proposed access is concluded to meet the standing advice and therefore accord with DP9.

The highways standard advice also sets out required standards for pedestrian visibility, which is 2.4m x 2.4m to the rear of the footway, or where the access meets the carriageway edge. The submitted concept plan demonstrates that this can be achieved.

There is no pedestrian footpath along this part of Newtown Lane, with a connection to a footpath on the northern side of Newtown Lane further west. The footpath connection in this part of west Pennard is incomplete. Although not ideal, various appeal decisions have confirmed that this is not unusual in a village location, and this is not necessarily a reason to withhold planning permission. In this case, considering the low scale of development and the context of the site, on balance, the footpath situation is concluded to be acceptable.

Considering the low scale of development and the context of the site, there is concluded to be sufficient highway capacity within the local network.

Somerset parking standards require 3.5 spaces for a four bedroom dwelling in this location (zone C). The submitted concept plan demonstrates adequate room for parking and manoeuvring within the plot.

The comments in relation to highway safety from the parish council and some neighbours are noted, however in this case, for the reasons outlined above, it is concluded that a refusal could not be justified and the proposal meets the necessary standards and policy requirements.

Various conditions are recommended including visibility splays; installation of access; provision and retention of parking and turning areas; and installation of an electric vehicle charging point.

In conclusion on this matter, the means of access are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees:

There are no protected trees on the site. There is however a hedgerow which makes a contribution to the character and ecology of the locality. Installation of a new access point would result in a break in the hedgerow. It may also be necessary to translocate the hedgerow south to achieve the necessary visibility splay.

As this is an outline application, details of landscaping would be considered as part of a reserved matters application. Any reserved matters application would be expected to retain or translocate the hedgerow, and include suitable and robust controls. Furthermore, any reserved matters application would be expected to include generous landscape buffers on the southern and eastern boundaries of the site, and the submitted concept plan shows there is sufficient room within the site to achieve this. Any reserved matters application would also be expected to include generous on site planting to allow the detailed design of the new dwelling to successfully integrate to this rural setting on the edge of a village. Furthermore, conditions as outlined near ecology section above, require delivery of ecological measures as set out in the EIA.

Following review of the submitted concept plan, the proposal is considered acceptable, and it is concluded that a detailed design could be developed to meet all policy requirements in this regard.

Due to the scope of this outline planning application it is not necessary to include landscaping conditions at this stage, as this would be fully considered at reserved matters stage, and conditioned in line with national conditions tests.

In conclusion on this matter, the proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Impact on Archaeology:

Although the site is adjacent to an area of high archaeological potential, the Somerset archaeologist has confirmed there are no known archaeological implications, and therefore there are no objections to the proposal,

Therefore, it is considered the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014), and Part 16 of the National Planning Policy Framework.

Land Drainage:

The application site is within flood zone 1, meaning it is acceptable for development in principle drainage terms.

Comments from the land drainage engineer confirm the highways around the site are shown to be at high risk of surface water flooding with instances of historic flooding having been recorded.

Sufficient information has been submitted with the application to demonstrate that an adequate drainage solution can be delivered. As this is covered by building regulations, a condition is not recommended.

Foul drainage is proposed to be connected to the mains sewer. Again, as this is covered by building regulations, a planning condition is not necessary.

In conclusion on this matter, the proposed development would 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 14 of the National Planning Policy Framework.

Loss of Agricultural Land:

Consultation comments have raised the issue of loss of agricultural land. The NPPF as well as local policy is clear that brownfield sites should be considered before greenfield sites; and local policy sets out the spatial strategy which is well established within the district. However, there is no policy restricting residential development on agricultural land subject to other relevant material planning considerations. This issue alone is not such to warrant refusal of the planning application. This application must be considered in the tilted balance, as outlined in this report.

Renewable Energy:

Although limited information has been submitted to support this outline planning application, meaningful unmeasurable commitments to carbon reduction measures are required, as set out in the NPPF and policy DP7. As detailed design has not been confirmed at this stage, a condition is recommended which would require a detailed sustainability strategy statement to be submitted and agreed as part of any reserved matters application. With the inclusion of this condition as recommended, this application is concluded to be acceptable in this regard.

Refuse Collection:

The submitted concept plan demonstrates that the site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

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

Equalities Act:

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

Precedent:

Comments received as part of the consultation process have outlined concerns that permission of this application would result in a harmful precedent being set. Each application is considered on its merits and a permission here would be based on the site characteristics, context and relevant material planning considerations in this case. This would not justify refusal of this application.

Other Matters:

Consultation comments have also referred to the parish council, on issues around declarations of interest. The local planning authority is required to consider the application on its merits. Any concerns regarding declarations of interest should be raised directly with the parish council. This matter has not formed part of the planning balance or the officer recommendation.

Conclusion:

Although the site is outside the development limits of West Pennard, a secondary village as set out in the Local Plan, the council cannot demonstrate a five year housing land supply, meaning the tilted balance is engaged and a refusal could only be justified in the event that harms were 'significant and demonstrable'.

In this case, the benefits of the scheme include the delivery of 1 dwelling. Although outside the settlement limit of West Pennard, the dwelling would sit immediately adjacent to the development limit and other residential development and would replicate the density and integrate to the spatial characteristics of the locality.

Harms of the development would include increased traffic, including an access near an existing road junction, loss of an agricultural field and minor increased pressure on services including the local school.

Overall, the harms in this case are not considered 'significant and demonstrable' therefore the principle of development is considered acceptable in this case, and the impacts of development are concluded to be acceptable also.

This planning application is therefore recommended for APPROVAL. Various planning conditions are recommended, as well as a legal agreement to secure phosphate mitigation.

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

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section

92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015.

4. **Plans List (Compliance)**

This decision relates to the following:

- H6412/100A - Concept Site Plan & Location Plan - received 08.09.2021
- H6412/001 - Existing Location and Block Plan - received 08.09.2021

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

5. **Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed (properly consolidated and surfaced) in accordance with drawing number H6412/100A received 08.09.2021. The vehicular access shall thereafter be permanently retained in accordance with the approved drawings.

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 shall commence until the visibility splay shown on drawing number H6412/100A received 08.09.2021 has 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. **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).

8. **Compliance with Ecological Recommendations (Compliance)**

The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the approved Ecological Impact Assessment Report prepared by HT Ecology dated March 2023 (contained as Appendix 3 of the Shadow Habitats Regulation Assessment. The Ecological Impact Assessment Report shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

9. **Renewable Energy (Reserved Matters)**

A detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application. 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.

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).

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.

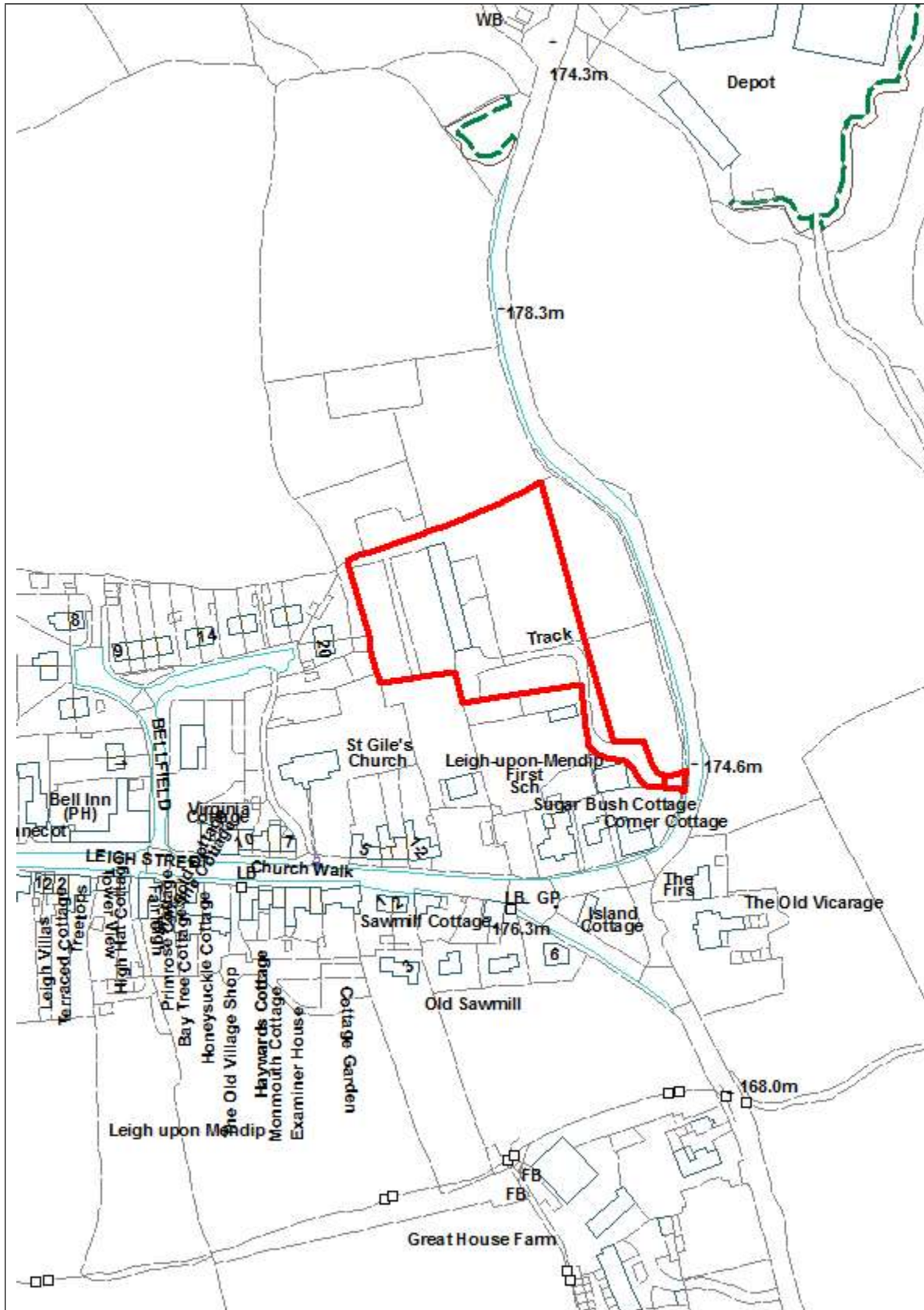
Please note all conditions should be read fully as these headings are intended as a guide only.

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 applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
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. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.
8. **Legal Protection Afforded to Badgers**
The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

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Planning Board Report 1st August 2023 - 2023/1084/FUL
 Land At 369311 147357
 Quarry Lane
 Leigh On Mendip
 Shepton Mallet
 Somerset

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Application Number	2022/1455/FUL
Case Officer	Nikki White
Site	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset
Application Number	2022/1455/FUL
Date Validated	29 July 2022
Applicant/ Organisation	c/o C Richardson Millfield Preparatory School
Application Type	Full Application
Proposal	Installation of 4no. floodlights at show tennis court
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

What3Words:

The application site can be found by entering the following into www.what3words.com:

reshaping.hype.remedy

Scheme of Delegation:

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice Chair of the Planning Committee. This is because the case officer recommendation is to refuse, the Town Council supported the application, and the Ward Member did not submit a comment. Following this referral, it has been confirmed that the application should be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to erection of floodlights at Millfield Prep School, Edgarley Road, Glastonbury. Three applications have been submitted for floodlights in close proximity to each other at this site including:

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

The application proposes to operate the lighting as needed between 7am and 8pm.

The site is outside the development limits of Glastonbury. It is designated as an Open Space (protected under LP1 policy DP16). It is within the Somerset Levels and Moors Ramsar catchment area. The site falls within the Upper Brue Internal Drainage Board Area. Although most of the site is within flood zone 1, there is an area within the hockey pitch that is showing as within zone 2 on the Environment Agency mapping.

Glastonbury Tor is located approximately 1.2km to the north west of the proposed development. This is a Special Landscape Feature, scheduled monument and St Michael's Church Tower is Grade I listed. There are various other heritage assets in proximity to the site, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

PROW WS15/42 runs to the south of the proposed development. There are other PROW's in proximity to the site.

Relevant History:

There is extensive planning history for the site. As well as the parallel applications referred to above, relevant history is outlined below:

2013/0199 - Erection of new floodlights [at equestrian facilities] – approved with conditions (AWC) - 03.04.2013

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

Ward Member: no comments received

Glastonbury Town Parish Council:

Recommend approval if the hours of use are restricted to 7am to 7pm.

Environmental Protection: no objections

We have no objections to this proposal, however, the applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 if the floodlights cause any nuisance to the surrounding residential properties.

Historic England:

- No specific comments or advice.

- Suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation: objection/recommend refusal

- Proposals would result in 'less than substantial' harm to the significance of a number of designated heritage assets, including the Grade I listed St Michaels Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area, by having an adverse impact on their settings.
- As indicated in the Heritage Statement, the proposals have the potential to impact the setting of four listed buildings, including the Grade I listed St Michaels Church Tower at the top of Glastonbury Tor, Glastonbury Conservation Area and two Scheduled Monuments, including Glastonbury Tor. As is made clear in the Glastonbury Conservation Area Appraisal, St Michael's Church Tower and The Tor is one of the most important focal points within Glastonbury/the Conservation Area, with views both to and from these features being of particular significance. Glastonbury lies within an area of great natural beauty, with the edges of the town and beyond characterised by its rural qualities and open green spaces. Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset.
- The Heritage Statement has concluded that The Tor and St Michaels Church Tower are of 'High Significance', potentially 'Very High Significance' given its acknowledged international importance. It also notes that views to and from The Tor 'have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.' When the proposed floodlights are in use, they would extend the already illuminated area of the school considerably into a large area of currently dark/unlit space. There is already a relatively large amount of lighting at the school site, particularly from the equestrian centre. Further expanding this would be to detriment of the rural landscape and the setting of the both the Conservation Area and the Tor/St Michael's Church. The Heritage Statement has concluded that the proposals would overall result in 'less than substantial' harm to the significance of The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Havyatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area. The Heritage Statement notes that 'the proposed floodlights will therefore undoubtedly increase the scale of visible light sources on the Millfield Preparatory School campus when they are in use at night as viewed from Glastonbury Tor (and to a lesser degree at Edgarley Farmhouse). In terms of night time views from the Tor - this will stand out more as the surrounding area (to the south, SE, east, and NE) is relatively dark at night with few large light sources' and concludes that the proposals 'will therefore result in a degree of 'less than substantial harm' (as defined by the NPPF paragraph 202) regarding the settings of the heritage assets which contribute to their overall significance. As less than substantial

harm is considered to be determined, public benefit/s must be identified to offset the proposal.'

- Overall, I agree with the above conclusions made by the Heritage Consultant. Therefore, it will be for the case officer to determine whether there is sufficient public benefit to outweigh the level of harm identified to the significance of the relevant designated heritage assets, as required by Paragraph 202 of the NPPF (2021).

Ecology: objection (summary of final comments)

- Recommend refusal on applications 2022/1521/FUL, 2022/1456/FUL and 2022/1455/FUL due to lack of further survey information to confirm the likely absence of bats. Suitability within the site has been confirmed for foraging and commuting bats by the submitted ecology reports within the application sites, and the current lighting proposals are at a level that is far beyond suitable for protected nocturnal species such as bats.
- An opportunity to provide further information has been requested as to how light spill can be reduced on those areas likely used by bats using their territories (hedgerow, trees and woodland edge). A lighting level of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines has been advised in the absence of further survey information, so as not to have a negative impact on foraging and bats (or dormice if present). No changes to lighting proposals and/ or further survey information to confirm presence or likely absence has been submitted.
- Therefore, at present there is insufficient information to establish the presence of protected species (including European Protected Species) and the extent to which they may be affected. As per Government circular 2005/06, all relevant material considerations have thus not been addressed prior to making the decision.
- The statutory advice provided by SES in our previous consultation response remains as provided, which is based on the requirements of both legislative and policy mechanisms and best-practice professional guidance.

Local Representations:

1 letter of objection has been received raising the following matters:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed
- Object to all 3 parallel applications at this site

1 neutral comment has been received, raising the following matters:

- Existing floodlights at the site have been left on until past midnight previously. No objection subject to turning off at 9pm at the latest.

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

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

- CP1 (Mendip Spatial Strategy)
- CP7 (Glastonbury Town Strategy)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage Conservation)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP16 (Open Space and Green Infrastructure)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) including Light Pollution
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' (2021)
- ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (2018)
- Information from the Bat Conservation Trust on Bats and artificial lighting in the UK, and Eurobats Guidelines for consideration of bats in lighting projects

- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment
- Conservation Area Assessment of Glastonbury (2010)

Assessment of relevant issues:

Principle of the Use:

Although the site is outside the development limits of Glastonbury, it is within an established school site and the proposal would facilitate existing sports provision associated with the school. As such the principle of development is acceptable in this case.

Design and Landscape Impacts:

The applicant describes the proposals thus:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
 - *“The installation of a total six lighting columns (F1-F6) spaced evenly along the northern and southern boundaries of the pitch outside of the fencing;*
 - *Mast height - 18.29m*
 - *Number of lamps per column - F1,2 &3 - 3no. lamps, F2&5 - 4no. lamps, F6 - 8no. lamps (to also illuminate the adjacent tennis courts).*
 - *Luminaire - TLC-LED-1200 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
 - *“The installation of a total of 4no. lighting columns (T5,7-8 and F6) spaced at the outer corners of the court;*
 - *Mast height - T5,7 & 8: 15m; F6 : 18.29m with lights at 15m*
 - *Number of lamps per column - 3no.*
 - *Luminaire - TLC-LED-900 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
3. 2022/1455/FUL - 4 floodlights at show tennis court

- *“The installation of a total of 4no. lighting columns (T1-3 and F6) spaced at the outer corners of the court;*
- *Mast height – T1-3: 15m F6 : 18.29m with lights at 15m*
- *Number of lamps per column – 2no.*
- *Luminaire – TLC-LED-600 lux – anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlclcd/>*
- *Materials – galvanised steel”*

“The floodlights would all be directional and focused towards specific parts of each playing area so as to reduce the beam elevation, and thus minimise lamp intensity projected outside of the site. This also has the advantage of reducing the source intensity of each floodlight when viewed from any surrounding vantage points.”

Paragraph 185 of the NPPF requires planning policies and decisions to, amongst other things:

“c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The NPPG ‘Light Pollution’ sets out guidance for applicants and LPA’s which should include consideration of:

- *“where the light shines;*
- *when the light shines;*
- *how much light shines; and*
- *possible ecological impacts.”*

As confirmed in the Mendip District Landscape Character Assessment (2020), the site is outside but near to a Special Landscape Feature. Glastonbury Tor/St Michael’s Church Tower (GI and scheduled monument) is a significant feature in the landscape and the cultural, historic and spiritual identity of Glastonbury. As summarised in the conservation section of this report below (as well as the applicant’s Heritage Assessment and LVIA), there are various other listed buildings, scheduled monuments and the Glastonbury Conservation Area in proximity to the application site.

The floodlights are proposed within the school recreation area. Although the Sports Pavilion building is near the pitches, the application site is set further east from the built up part of the school and is open and rural in character. The application site is on the rural edge of the site and the town, and is prominent in views including from road network (including the A361 Edgarley Road to the north); the PROW network (including WS15/42 to the south); and surrounding countryside (including Glastonbury Tor to the north west).

The agent has stated the proposal accords with the ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' as follows:

- *“Light source – Lights have cowls and visors with internal reflectors, chosen based on specific site requirement – everything is built to order.*
- *Luminaires – The height of the mast and angle of light, lumens and angle of each lamp has been designed to ensure that sky glow and glare are mitigated to the greatest extent. Asymmetric optics are proposed.*
- *Installation – The highest possible mounting height has been used to enable the use of narrower beam floodlights to reduce spill light and glare. The worst case aim is 66,4 degrees so well within the required 70 degrees”*

At 18.29m in height, in the context of this dark and rural edge to the school site, the structures would be prominent and incongruous in this location.

Following discussion with the agent, a Landscape Visual Impact Assessment (LVIA) has been submitted which includes the following points:

“6.8 The Pole heights range from 15m to 18.29m. The taller Poles used around the Hockey Pitch are specified to reduce any light spill or glare down to the absolute minimum – whilst providing the desired pitch performance conditions. The location of the Columns and details of predicted light spill are illustrated on Figures 12 and 13. The proposed mounting heights may be considered ‘high’ – but lower alternatives are proven to create higher levels of light spill and require additional lighting points.

6.9 The proposed Fixtures are designed to give rise to 0% upward light and limited horizontal spill which would be considered acceptable for a Site that would be judged to exist within the Institute of Lighting Professionals (ILP) Environmental Zone E2 (Rural – Low district brightness (SQM~15 to 20) i.e. a sparsely inhabited rural area, village or relatively dark outer suburban location.

6.10 The proposed Floodlights would operate on a ‘curfew’ system – i.e. between the hours of 7am and 8.15am and around 4pm to 8pm. The Lighting would only be used during the periods when activities on the Courts/Pitch are scheduled. The Lighting is only likely to be required during the winter months (for the 16-20 weeks per year when the natural light fades towards the end of the afternoon). Further ‘mitigation’ could be provided during pre-determined special events during winter when large numbers of people may visit the Tor at night-time (such as the Winter Solstice, New Years Eve) where it could be agreed that the Floodlights are switched off.”

The following mitigation measures are proposed as part of the application:

- *“The enhancement of the sports field boundary to the north of the Sites – through additional specimen tree planting and native species hedge planting;*

- *The enhancement of the field hedge to the south of the Site through specimen tree planting;*
- *The hedgerow to the south-eastern boundary of the Sites to be allowed to grow to a minimum height of 2m to provide screening of the habitats beyond and to increase bird nesting habitat and bat foraging potential (with ref. the supporting PEA)*
- *To allow selected trees within all of the peripheral hedgerows to grow to a standard height to enhance the visual screening towards the Sites and to increase the biodiversity value.”*

The submitted LVIA summarises the landscape character, and refers to the Mendip District Landscape Character Assessment (2020). The LVIA includes a series of photographs taken from key viewpoints and goes on to assess the impact of the proposed development on residents, public right of way (PROW) users, open/common land, visitors of places of interest (focussing on the Tor) and road users.

The LVIA assesses the sensitivity of each of the 10 viewpoints considered, and concludes as to the magnitude of change associated with the proposed lighting (considering all 3 concurrent flood light applications). The LVIA identifies harm to landscape. As an example of the harm identified, when considering the impacts on viewpoint 7 (road users of A361), the LVIA states the following:

“Predicted View and Magnitude of Change

7.55 Within this View the proposed Floodlighting Poles to the periphery of the Hockey Pitch (6no. F1 – F6 with ref. the Pole Location Plan) would be visible – plus Pole T3 (north-eastern corner of the Show Court). The upper sections of Poles F1, F3, F4 and F5 will form new skyline elements – with the remainder sitting against the darker backdrop of Edgarley Copse. During the hours of darkness the surface of the Hockey Pitch would be illuminated – introducing a new ‘linear and horizontal’ focal element into the view. The Pitch lighting would be seen in conjunction with the internal and external lighting of the Sports Pavilion and the headlights/taillights of vehicles using the road corridor. The magnitude of change is assessed as ‘Medium’ during the daylight hours – rising to ‘High’ when the Floodlights are in use.

Scale of Visual Effect

7.56 A ‘Medium’ sensitivity combined with a ‘Medium’ magnitude of change would result in a ‘Moderate adverse’ scale of effect.”

The impact on the Tor is considered as part of viewpoint 10. Photographs have been included during daytime, dusk and night time and the conclusions in the LVIA include the following text:

“Predicted View and Magnitude of Change - Daytime

7.75 Owing to the elevation and the distance from the Sites – the proposed Floodlights around the Hockey Pitch (F2-F5) would be visible as new vertical elements within the View. The elevation of the Viewpoint would foreshorten the vertical aspect of the Poles and they would be viewed against the backdrop of playing fields and the wider farmed landscape. Regarding the Triple Court Site – none of the Poles would be fully visible owing to the visual screening afforded by the intervening tree planting. The predicted magnitude of change is judged to be ‘Low’. Predicted Magnitude of Change – Night-time

7.76 Photo Viewpoints 10c and 10d illustrate the views at ‘dusk’ and during ‘darkness’. During periods of operation the proposed Floodlights will illuminate the surfaces of the 3no. Sites (depending on the requirements – Courts/Pitches can be illuminated independently or cumulatively). The most visually sensitive is the Hockey Pitch – the surface of which would be visible as a rectilinear ‘illuminated element’ that would contrast with the dark surroundings. Light spill is controlled through the design of the Lighting elements and the height of the Poles. In addition to the Hockey Pitch – the illuminated surface of part of the Triple Courts would be visible. The proposed Lighting would be viewed in conjunction with the existing lighting elements of the Campus and the moving headlights/taillights of vehicles travelling along the A361. The proposed Floodlights would only operate until 8.00pm – thereby only having a temporary effect on the View.

7.77 The predicted magnitude of change will vary – according to how many of the Sites are lit any one time. As a worst-case scenario (all three Sites are lit) the magnitude of change is judged to be ‘Medium’ where the illuminated Pitch/Courts are likely to be clearly visible and likely to affect a good number of visual receptors. This is likely to reduce to ‘Low-Medium’ if the Lighting is limited to the smaller Courts – where it will be filtered by the intervening tree canopies but still giving rise to some change in the View.

Scale of Visual Effect

7.78 Looking at the worst-case scenario (all the Floodlights in operation) a ‘High’ sensitivity combined with a ‘Medium’ magnitude of effect would result in a ‘Moderate adverse’ scale of effect during the early evening.”

Although the submitted LVIA is not explicit in its breakdown of harm associated with each application, it concludes a worst case scenario would result in a ‘moderate adverse’ impact during the early evening.

During daylight, the introduction of tall lighting structures would appear incongruous in this rural and open setting resulting in an urbanising encroachment into the countryside and harms to local views and views from the Tor. This harm would be present for all of the applications considered individually or all three considered cumulatively.

During dusk and night time this harm would increase. As well as local viewpoints including PROW’s, this is particularly harmful when viewed from the Tor, an important Special Landscape

Feature. As demonstrated via illustrations in the LVIA, the current wider school site has some scattered lighting and concentrated lighting at the equestrian centre further west (closer to the school buildings). The application site itself is dark. The introduction of the lighting as proposed, either individually or cumulatively, would increase the impact of the school and harm this sensitive and important landscape view. Although the lighting associated with the equestrian centre is very prominent from the Tor currently, this harm should not be replicated and exacerbated by the development as proposed, leading further into the countryside.

Whilst the proposed landscape mitigation is noted, it would not be possible to successfully mitigate the harm identified from the height of the lighting columns and their associated lighting.

In conclusion on this matter, the proposal by reason of its form, height, materials and lighting is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area and would be harmful to local views and views from the Tor. The proposal offends policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Conservation:

The site is near to Glastonbury Tor which is a significant feature within the town historically, culturally and spiritually. 360 degree views to and from the Tor are particularly celebrated and sensitive. The Tor is a significant feature within the landscape, which is green and open in character. There are other heritage assets in proximity to the site including the Glastonbury Conservation Area; scheduled monuments (St Michael's Church on Glastonbury Tor and Ponter's Ball Linear Earthwork); and listed buildings (St Michael's Church (GI), The Homestead (GII), Edgarley Farmhouse (GII) and Havyatt Farmhouse (GII)).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area, having regards to the Conservation Area Assessment of Glastonbury (2010), policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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, policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Following discussion with the agent, a Heritage Statement has been submitted which comments on the impact on the nearby heritage assets including the Grade I listed St Michael's Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area. This identifies harm to the significance of heritage assets via impact on their settings. The Conservation Officer agrees the proposal would result in 'less than substantial harm' to these assets by having an adverse impact on their settings.

The Conservation Officer has agreed with the Heritage Assessment in that The Tor and St Michaels Church Tower are of '*High Significance*', potentially '*Very High Significance*' and views to and from The Tor '*have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.*'

The Heritage Assessment and agent have set out conclusions on the different impacts on the different heritage assets, which differ slightly between applications and heritage assets. The Conservation Officer has not made an assessment in this detail but nevertheless identified harms which need to be weighed against public benefits. The Conservation Officer has identified less than substantial harm at The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Hayatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area.

In relation to impacts on the conservation area, the Conservation Officer has concluded that:

"Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset."

In relation to impact at night time, harm has been identified by the Heritage Assessment and reiterated by the Conservation Officer. This part of the site is not currently lit and set away from the rest of the school buildings on the rural edge. As above, this part of the school site is open and rural in character. The school's existing lighting is illustrated in the submitted Heritage Statement. The proposal, both individually and cumulatively with the other two planning applications for flood lights nearby, would exacerbate lighting impacts. The site is on the edge of the school development and proposed development would encroach urban elements (lighting) into the countryside.

Although the Heritage Assessment makes some comments on mitigation planting, notwithstanding the scale and time needed, this is in places discounted due to maintenance and potential loss of the rugby pitch. The Heritage Assessment also suggests that lighting is not used during special events (e.g. solstice and New Year's Eve). Notwithstanding this would be insufficient mitigation, this would not pass the 'enforcement' test for conditions. It is concluded that mitigation suggestions set out in the Heritage Assessment or application would inadequately mitigate the impacts on the heritage assets.

This application is one of three similar applications for flood lighting in this part of the school. Although the Conservation Officer has not specified where in the spectrum of less than substantial harm each proposal sits in relation to each of the heritage assets, the harms identified in the Heritage Assessment and comments from the Conservation Officer are clear.

As such, paragraph 202 of the NPPF requires an assessment of public benefits when harm has been identified. The agent has set out a case for public benefits as follows:

“The grant of planning permission would facilitate additional use of the site by the wider community. The school is extremely keen to improve integration with the wider community and I have been informed by our client that they have recently restarted parents’ hockey and tennis sessions and there is also interest in offering rugby and football coaching in the evenings if the illumination is provided.

There is also ample opportunity to make the facilities available for use to local sports clubs for training and fixtures. The normal daily timetable is that school use of the pitches ceases by 6pm each day, albeit that this timetable could be revised if certain external clubs required an earlier start. If planning permission is granted, opportunities include (but are not limited to):-

- Hosting Shepton Mallett and/or Mid Somerset Hockey Clubs (hockey pitch and triple courts)*
- Club fixture and/or training use in the evenings or Saturday mornings, allowing sufficient time for 2 fixtures. This may include hosting two adult/junior hockey/netball teams as a ‘neutral’ venue (hockey pitch and triple courts)*
- Use of the tennis courts by local clubs / LTA evening events and competitions and county junior training (triple courts, hockey pitch (additional tennis nets are available to convert the hockey pitch into 6no additional courts), show court)*
- Use of the hockey pitch by Somerset Hockey Association for Junior Development Centre, Academy and Performance Training (which always takes place in the evenings) (hockey pitch for match play and triple courts/show court for training and skills sessions)*
- The re-establishment of Mid-Somerset Football Club by the Football Development Officer (hockey pitch for match play and other courts for training and skills sessions)*
- Use of the netball courts by local clubs for training and as an alternative/additional venue for weekend fixtures for juniors and seniors (triple courts)*
- Exeter Rugby Club run training programmes (hockey and triple courts)*
- Local football club and satellite club usage (hockey and triple courts)*

The additional benefit is that the use of the facilities by local clubs enables Millfield’s own students to have improved access to grassroots sporting opportunities, which in turn provides additional support to these clubs.

As a result, the Council can be very confident that the proposal offers a wide range of public benefits, including to physical well-being, mental well-being, social and community development and integration, economic development and the development of the individual. This includes the provision of employment of Millfield Staff and within outside organisations and financial support given to local services, facilities and attractions by visiting members of the public.

If there is any doubt about Millfield School's willingness and ability to offer these public benefits, then regard should be had to the following website extract :-

<https://www.millfieldschool.com/discover-brilliance/public-benefit>

Finally, in environmental terms, the application offers an opportunity to enhance existing playing field facilities which are protected in the Local Plan, ensuring that their use and viability is optimised and maintained in the longer term. Moreover, the ecological report and the landscape consultant recommendations propose a series of mitigation and enhancement measures which include extensive new planting to offer screening and improve biodiversity wherever possible."

The Millfield Enterprises website confirms the following:

"Millfield Enterprises is the commercial arm of Millfield Schools, responsible for maximising the use of the extensive facilities throughout the year, particularly in the school holiday periods.

Our facilities can be hired for individual bookings or for conferences and events. We have hosted events both at national and international levels, with our wide range of facilities making Millfield the perfect place for a variety of purposes including corporate hospitality functions, exhibitions, concerts, shows and filmmaking.

Alongside this, we run a number of courses throughout the year from Multi-Activity to specialised sports courses, as well as an Easter Revision Course for students studying for their GCSEs and A Levels, and an English language course for international students."

Although these could be considered public, there is some uncertainty as to whether they also act as private benefits to the school as a business. Insufficient detail and solid commitments have been submitted to demonstrate the proposal, individually or cumulatively, would provide such public benefits to outweigh the harms identified to the historic assets.

Following discussion with the agent in relation to public benefits, the agent has suggested a Community Use Agreement be submitted by the applicant for consideration – which could potentially be controlled by condition if the applications were to be supported. Community Use Agreements are sometimes used to confirm community use arrangements – for example they may be suggested by Sport England as part of a proposal for a new playing pitch. Such an agreement would be expected to commit to clearly specified arrangements for community use. The agent has suggested this could be considered as a public benefit to outweigh heritage harm. Agreed timescales have now passed without the submission of any firm commitments by

the school. The LPA now needs to determine these applications. Notwithstanding that no details have been submitted on this, any such public benefit would be very unlikely to outweigh the heritage harm identified.

In conclusion on this matter, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case, and after consideration of the Glastonbury Conservation Area Appraisal, it is concluded that, by virtue of the height and form of the lighting structures proposed and the lighting itself, the proposal would fail to at least preserve the character and appearance the Glastonbury Conservation Area and its setting. This harm is not outweighed by sufficient public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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. Less than substantial harm has been identified to various listed buildings including The Tor/St Michael's Church Tower, The Homestead, Edgarley Farmhouse and Havyatt Farmhouse. This harm has not been outweighed by public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

The proposed development would not be in close proximity to neighbouring residential occupants.

The application proposes to operate the lighting as needed between 7am and 8pm. This timescale is considered acceptable in residential amenity terms. Were the application recommended for approval, this could have been controlled via condition.

Impact on Ecology:

The application has been submitted with a Preliminary Ecological Assessment (PEA) prepared by Richard Green Ecology. This concludes the impacts of the proposals as follows:

"The proposals would result in the loss of approximately 2,000 sqm of amenity grassland of low ecological value. The increased lighting to the site could have a minor impact upon

foraging and commuting bats. However, the population of bats visiting the site is likely to be low, considering that there is little suitable habitat or foraging opportunities.”

A lighting assessment prepared by Musco Lighting has also been submitted which includes light spill figures. This also shows coloured isolux contour lines. Although this does not include a key, the submitted LVIA includes a key which clarifies the contours refer to +2.0 lux, +5.0 lux and +10.0 lux.

The Somerset Council Ecologist has referred to the ILP Guidance Note 08/18 ‘Bats and artificial lighting in the UK’ (2018) and confirmed that:

- *“The proposals do not demonstrate that bats will not be disturbed or prevent bats using their territory (hedgerow, trees and woodland edge). The proposed lighting does not provide enough buffer between hedgerow, trees and/or woodland edge. In particular no comments have been made on the adverse impacts to the hedgerow directly east of the football pitch and suggested mitigation for this. The proposals at present show clear adverse effects through artificial lighting on wildlife including bats.*
- *Lighting levels of 3 Lux or less where feasible and ideally 0.5 lux are recommended where directly adjacent to woodland, hedgerow and tree lines, so as not to have a negative impact on foraging bats (or other light adverse wildlife).”*

There is a hedgerow running along the eastern boundary of the site. The Lighting Assessment shows light spill lux levels significantly higher than levels set out in the guidance (with a maximum of 402 adjacent to the eastern hedgerow). The lighting assessment shows lux levels at 0.0 on the hedgerow to the south of the site, although the Somerset Council Ecologist has outlined concern at the limited buffer. As such, the application has not demonstrated that bats would not be disturbed or prevented from using their habitat.

Overall, the Somerset Council Ecologist has recommended refusal due to insufficient information being submitted to demonstrate impacts on protected species (namely bats as well as dormice) and the Mells Valley Special Area of Conservation.

As such, it is concluded that the proposal is contrary to the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), Local Plan Part 1 policies DP5 and DP6 and Part 15 of the National Planning Policy Framework 2021.

The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, it is concluded that given that there is no overnight accommodation proposed, no additional pupil numbers associated with the development, and employees and visitors would likely originate from within the Ramsar catchment, the proposal would not result in

an increase in net phosphate outputs in the area. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and a Habitats Regulations Assessment in this instance is not required in relation to phosphates and demonstrating nutrient neutrality.

Open Space:

The site is designated as an open space which is protected under Local Plan Part 1 policy DP16. The proposal would not undermine the site's use as an open space and is considered acceptable in this regard.

Assessment of Highway Issues:

There are no proposed changes to access or parking, and no concerns in this regard.

The proposal is concluded to accord with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Public Rights of Way (PROW):

There are various PROW near the application site. The proposals would not obstruct or impact on the PROW's, other than landscape impact (see Landscape section above).

Land Drainage:

Most of the site is within flood zone 1, and part of the site falls within flood zone 2. Table 2 of the NPPG 'Flood risk and coastal change' sets out when a sequential and exception test is required. Footnote 56 of the NPPF sets out exclusions to this as "small non-residential extensions (with a footprint of less than 250m²)". The proposed floodlighting application falls within this definition of "small non-residential extensions (with a footprint of less than 250m²)" and therefore the need for a flood risk assessment, sequential test and exception test is avoided. The proposed development has a small footprint and is not associated with a vulnerable use.

In conclusion on this matter, the proposed development, being the erection of floodlights of low impact construction is not considered to have an adverse impact on flood risk. The proposal accords with policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

The benefits of this proposal include enhanced facilities and increased use of sports pitches at this independent school. This may result in some increased sports provision to the local area. However, it is recommended that planning permission is REFUSED due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

Recommendation

Refusal

1. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species (namely bats as well as dormouse) and the Mells Valley Special Area of Conservation, and therefore whether the proposal is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.
2. The proposed development by reason the lighting and tall structures, would have a harmful visual impact on the character of the heritage assets including The Tor/St Michael's Church Tower and the Glastonbury Conservation Area failing to preserve or enhance the Heritage Asset. The harm to the significance of the designated heritage assets is not outweighed by the public benefits identified and therefore the proposal is

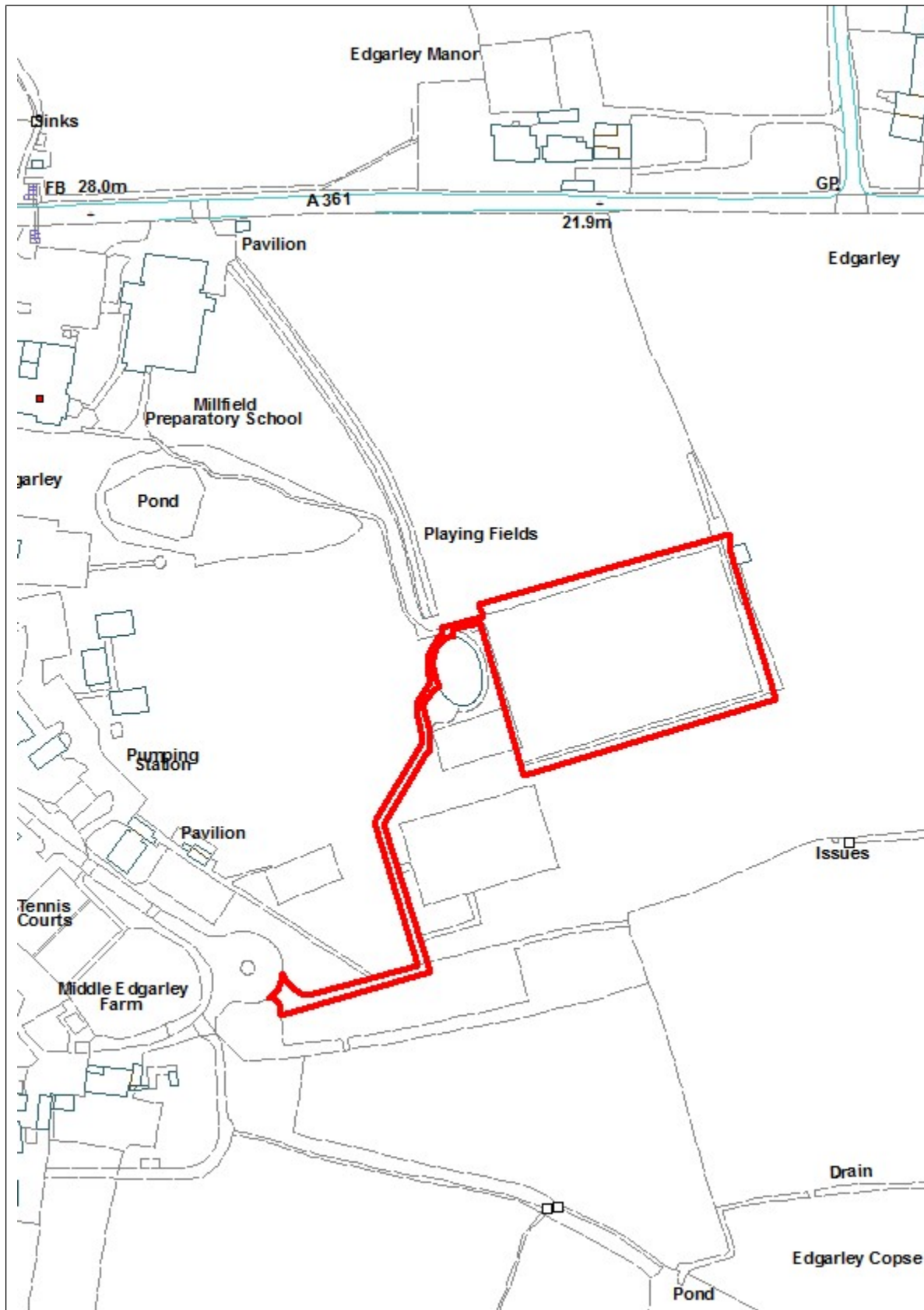
contrary to Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 202 of the National Planning Policy Framework.

3. The development would be highly prominent and visual, representing an unacceptably obtrusive and incongruous feature in the countryside which would have a harmful impact on the street scene and wider surrounding landscape. The proposal would significantly degrade the quality of the local landscape and harm landscape views including local views and views from Glastonbury Tor. The development would therefore be contrary to policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan 2006 - 2029 Part I (adopted December 2014) and the National Planning Policy Framework, particularly parts 12 and 15.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings/documents:
 - LOCATION PLAN - received 29.07.2022
 - EXISTING SITE PLAN - received 18.07.2022
 - PROPOSED BLOCK PLAN - received 29.07.2022
 - 176876P1 FLOODLIGHTS ELEVATIONS F6 - received 29.07.2022
 - 176876P1 FLOODLIGHTS ELEVATIONS T5, T7, T8 - received 29.07.2022
 - PRELIMINARY ECOLOGICAL ASSESSMENT - received 18.07.2022
 - LIGHTING ASSESSMENT - received 18.07.2022
 - PLANNING STATEMENT - received 18.07.2022

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Planning Board Report 1st August 2023 - 2022/1521/FUL
Millfield Preparatory School
Edgarley Road
Edgarley
Glastonbury
Somerset
BA6 8LD

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Application Number	2022/1456/FUL
Agenda Item No.	DM04
Case Officer	Nikki White
Site	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset
Date Validated	29 July 2022
Applicant/ Organisation	c/o C Richardson Millfield Preparatory School
Application Type	Full Application
Proposal	Proposed installation of 4no. floodlights at triple court
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

What3Words:

The application site can be found by entering the following into www.what3words.com:

reshaping.hype.remedy

Scheme of Delegation:

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice Chair of the Planning Committee. This is because the case officer recommendation is to refuse, the Town Council supported the application, and the Ward Member did not submit a comment. Following this referral, it has been confirmed that the application should be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to erection of floodlights at Millfield Prep School, Edgarley Road, Glastonbury. Three applications have been submitted for floodlights in close proximity to each other at this site including:

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

The application proposes to operate the lighting as needed between 7am and 8pm.

The site is outside the development limits of Glastonbury. It is designated as an Open Space (protected under LP1 policy DP16). It is within the Somerset Levels and Moors Ramsar catchment area. The site falls within the Upper Brue Internal Drainage Board Area. Although most of the site is within flood zone 1, there is an area within the hockey pitch that is showing as within zone 2 on the Environment Agency mapping.

Glastonbury Tor is located approximately 1.2km to the north west of the proposed development. This is a Special Landscape Feature, scheduled monument and St Michael's Church Tower is Grade I listed. There are various other heritage assets in proximity to the site, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

PROW WS15/42 runs to the south of the proposed development. There are other PROW's in proximity to the site.

Relevant History:

There is extensive planning history for the site. As well as the parallel applications referred to above, relevant history is outlined below:

2013/0199 - Erection of new floodlights [at equestrian facilities] – approved with conditions (AWC) - 03.04.2013

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

Ward Member: no comments received

Glastonbury Town Parish Council:

Recommend approval if the hours of use are restricted to 7am to 7pm.

Environmental Protection: no objections

We have no objections to this proposal, however, the applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 if the floodlights cause any nuisance to the surrounding residential properties.

Historic England:

- No specific comments or advice.

- Suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation: objection/recommend refusal

- Proposals would result in 'less than substantial' harm to the significance of a number of designated heritage assets, including the Grade I listed St Michaels Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area, by having an adverse impact on their settings.
- As indicated in the Heritage Statement, the proposals have the potential to impact the setting of four listed buildings, including the Grade I listed St Michaels Church Tower at the top of Glastonbury Tor, Glastonbury Conservation Area and two Scheduled Monuments, including Glastonbury Tor. As is made clear in the Glastonbury Conservation Area Appraisal, St Michael's Church Tower and The Tor is one of the most important focal points within Glastonbury/the Conservation Area, with views both to and from these features being of particular significance. Glastonbury lies within an area of great natural beauty, with the edges of the town and beyond characterised by its rural qualities and open green spaces. Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset.
- The Heritage Statement has concluded that The Tor and St Michaels Church Tower are of 'High Significance', potentially 'Very High Significance' given its acknowledged international importance. It also notes that views to and from The Tor 'have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.' When the proposed floodlights are in use, they would extend the already illuminated area of the school considerably into a large area of currently dark/unlit space. There is already a relatively large amount of lighting at the school site, particularly from the equestrian centre. Further expanding this would be to detriment of the rural landscape and the setting of the both the Conservation Area and the Tor/St Michael's Church. The Heritage Statement has concluded that the proposals would overall result in 'less than substantial' harm to the significance of The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Havyatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area. The Heritage Statement notes that 'the proposed floodlights will therefore undoubtedly increase the scale of visible light sources on the Millfield Preparatory School campus when they are in use at night as viewed from Glastonbury Tor (and to a lesser degree at Edgarley Farmhouse). In terms of night time views from the Tor - this will stand out more as the surrounding area (to the south, SE, east, and NE) is relatively dark at night with few large light sources' and concludes that the proposals 'will therefore result in a degree of 'less than substantial harm' (as defined by the NPPF paragraph 202) regarding the settings of the heritage assets which contribute to their overall significance. As less than substantial

harm is considered to be determined, public benefit/s must be identified to offset the proposal.'

- Overall, I agree with the above conclusions made by the Heritage Consultant. Therefore, it will be for the case officer to determine whether there is sufficient public benefit to outweigh the level of harm identified to the significance of the relevant designated heritage assets, as required by Paragraph 202 of the NPPF (2021).

Ecology: objection (summary of final comments)

- Recommend refusal on applications 2022/1521/FUL, 2022/1456/FUL and 2022/1455/FUL due to lack of further survey information to confirm the likely absence of bats. Suitability within the site has been confirmed for foraging and commuting bats by the submitted ecology reports within the application sites, and the current lighting proposals are at a level that is far beyond suitable for protected nocturnal species such as bats.
- An opportunity to provide further information has been requested as to how light spill can be reduced on those areas likely used by bats using their territories (hedgerow, trees and woodland edge). A lighting level of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines has been advised in the absence of further survey information, so as not to have a negative impact on foraging and bats (or dormice if present). No changes to lighting proposals and/ or further survey information to confirm presence or likely absence has been submitted.
- Therefore, at present there is insufficient information to establish the presence of protected species (including European Protected Species) and the extent to which they may be affected. As per Government circular 2005/06, all relevant material considerations have thus not been addressed prior to making the decision.
- The statutory advice provided by SES in our previous consultation response remains as provided, which is based on the requirements of both legislative and policy mechanisms and best-practice professional guidance.

Local Representations:

1 letter of objection has been received raising the following matters:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed
- Object to all 3 parallel applications at this site

1 neutral comment has been received, raising the following matters:

- Existing floodlights at the site have been left on until past midnight previously. No objection subject to turning off at 9pm at the latest.

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

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

- CP1 (Mendip Spatial Strategy)
- CP7 (Glastonbury Town Strategy)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage Conservation)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP16 (Open Space and Green Infrastructure)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) including Light Pollution
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' (2021)
- ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (2018)
- Information from the Bat Conservation Trust on Bats and artificial lighting in the UK, and Eurobats Guidelines for consideration of bats in lighting projects

- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment
- Conservation Area Assessment of Glastonbury (2010)

Assessment of relevant issues:

Principle of the Use:

Although the site is outside the development limits of Glastonbury, it is within an established school site and the proposal would facilitate existing sports provision associated with the school. As such the principle of development is acceptable in this case.

Design and Landscape Impacts:

The applicant describes the proposals thus:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
 - *“The installation of a total six lighting columns (F1-F6) spaced evenly along the northern and southern boundaries of the pitch outside of the fencing;*
 - *Mast height - 18.29m*
 - *Number of lamps per column - F1,2 &3 - 3no. lamps, F2&5 - 4no. lamps, F6 - 8no. lamps (to also illuminate the adjacent tennis courts).*
 - *Luminaire - TLC-LED-1200 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
 - *“The installation of a total of 4no. lighting columns (T5,7-8 and F6) spaced at the outer corners of the court;*
 - *Mast height - T5,7 & 8: 15m; F6 : 18.29m with lights at 15m*
 - *Number of lamps per column - 3no.*
 - *Luminaire - TLC-LED-900 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
3. 2022/1455/FUL - 4 floodlights at show tennis court

- *“The installation of a total of 4no. lighting columns (T1-3 and F6) spaced at the outer corners of the court;*
- *Mast height – T1-3: 15m F6 : 18.29m with lights at 15m*
- *Number of lamps per column – 2no.*
- *Luminaire – TLC-LED-600 lux – anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
- *Materials – galvanised steel”*

“The floodlights would all be directional and focused towards specific parts of each playing area so as to reduce the beam elevation, and thus minimise lamp intensity projected outside of the site. This also has the advantage of reducing the source intensity of each floodlight when viewed from any surrounding vantage points.”

Paragraph 185 of the NPPF requires planning policies and decisions to, amongst other things:

“c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The NPPG ‘Light Pollution’ sets out guidance for applicants and LPA’s which should include consideration of:

- *“where the light shines;*
- *when the light shines;*
- *how much light shines; and*
- *possible ecological impacts.”*

As confirmed in the Mendip District Landscape Character Assessment (2020), the site is outside but near to a Special Landscape Feature. Glastonbury Tor/St Michael’s Church Tower (GI and scheduled monument) is a significant feature in the landscape and the cultural, historic and spiritual identity of Glastonbury. As summarised in the conservation section of this report below (as well as the applicant’s Heritage Assessment and LVIA), there are various other listed buildings, scheduled monuments and the Glastonbury Conservation Area in proximity to the application site.

The floodlights are proposed within the school recreation area. Although the Sports Pavilion building is near the pitches, the application site is set further east from the built up part of the school and is open and rural in character. The application site is on the rural edge of the site and the town, and is prominent in views including from road network (including the A361 Edgarley Road to the north); the PROW network (including WS15/42 to the south); and surrounding countryside (including Glastonbury Tor to the north west).

The agent has stated the proposal accords with the ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' as follows:

- *“Light source – Lights have cowls and visors with internal reflectors, chosen based on specific site requirement – everything is built to order.*
- *Luminaires – The height of the mast and angle of light, lumens and angle of each lamp has been designed to ensure that sky glow and glare are mitigated to the greatest extent. Asymmetric optics are proposed.*
- *Installation – The highest possible mounting height has been used to enable the use of narrower beam floodlights to reduce spill light and glare. The worst case aim is 66,4 degrees so well within the required 70 degrees”*

At 18.29m in height, in the context of this dark and rural edge to the school site, the structures would be prominent and incongruous in this location.

Following discussion with the agent, a Landscape Visual Impact Assessment (LVIA) has been submitted which includes the following points:

“6.8 The Pole heights range from 15m to 18.29m. The taller Poles used around the Hockey Pitch are specified to reduce any light spill or glare down to the absolute minimum – whilst providing the desired pitch performance conditions. The location of the Columns and details of predicted light spill are illustrated on Figures 12 and 13. The proposed mounting heights may be considered ‘high’ – but lower alternatives are proven to create higher levels of light spill and require additional lighting points.

6.9 The proposed Fixtures are designed to give rise to 0% upward light and limited horizontal spill which would be considered acceptable for a Site that would be judged to exist within the Institute of Lighting Professionals (ILP) Environmental Zone E2 (Rural – Low district brightness (SQM~15 to 20) i.e. a sparsely inhabited rural area, village or relatively dark outer suburban location.

6.10 The proposed Floodlights would operate on a ‘curfew’ system – i.e. between the hours of 7am and 8.15am and around 4pm to 8pm. The Lighting would only be used during the periods when activities on the Courts/Pitch are scheduled. The Lighting is only likely to be required during the winter months (for the 16-20 weeks per year when the natural light fades towards the end of the afternoon). Further ‘mitigation’ could be provided during pre-determined special events during winter when large numbers of people may visit the Tor at night-time (such as the Winter Solstice, New Years Eve) where it could be agreed that the Floodlights are switched off.”

The following mitigation measures are proposed as part of the application:

- *“The enhancement of the sports field boundary to the north of the Sites – through additional specimen tree planting and native species hedge planting;*

- *The enhancement of the field hedge to the south of the Site through specimen tree planting;*
- *The hedgerow to the south-eastern boundary of the Sites to be allowed to grow to a minimum height of 2m to provide screening of the habitats beyond and to increase bird nesting habitat and bat foraging potential (with ref. the supporting PEA)*
- *To allow selected trees within all of the peripheral hedgerows to grow to a standard height to enhance the visual screening towards the Sites and to increase the biodiversity value.”*

The submitted LVIA summarises the landscape character, and refers to the Mendip District Landscape Character Assessment (2020). The LVIA includes a series of photographs taken from key viewpoints and goes on to assess the impact of the proposed development on residents, public right of way (PROW) users, open/common land, visitors of places of interest (focussing on the Tor) and road users.

The LVIA assesses the sensitivity of each of the 10 viewpoints considered, and concludes as to the magnitude of change associated with the proposed lighting (considering all 3 concurrent flood light applications). The LVIA identifies harm to landscape. As an example of the harm identified, when considering the impacts on viewpoint 7 (road users of A361), the LVIA states the following:

“Predicted View and Magnitude of Change

7.55 Within this View the proposed Floodlighting Poles to the periphery of the Hockey Pitch (6no. F1 – F6 with ref. the Pole Location Plan) would be visible – plus Pole T3 (north-eastern corner of the Show Court). The upper sections of Poles F1, F3, F4 and F5 will form new skyline elements – with the remainder sitting against the darker backdrop of Edgarley Copse. During the hours of darkness the surface of the Hockey Pitch would be illuminated – introducing a new ‘linear and horizontal’ focal element into the view. The Pitch lighting would be seen in conjunction with the internal and external lighting of the Sports Pavilion and the headlights/taillights of vehicles using the road corridor. The magnitude of change is assessed as ‘Medium’ during the daylight hours – rising to ‘High’ when the Floodlights are in use.

Scale of Visual Effect

7.56 A ‘Medium’ sensitivity combined with a ‘Medium’ magnitude of change would result in a ‘Moderate adverse’ scale of effect.”

The impact on the Tor is considered as part of viewpoint 10. Photographs have been included during daytime, dusk and night time and the conclusions in the LVIA include the following text:

“Predicted View and Magnitude of Change - Daytime

7.75 Owing to the elevation and the distance from the Sites – the proposed Floodlights around the Hockey Pitch (F2-F5) would be visible as new vertical elements within the View. The elevation of the Viewpoint would foreshorten the vertical aspect of the Poles and they would be viewed against the backdrop of playing fields and the wider farmed landscape. Regarding the Triple Court Site – none of the Poles would be fully visible owing to the visual screening afforded by the intervening tree planting. The predicted magnitude of change is judged to be ‘Low’. Predicted Magnitude of Change – Night-time

7.76 Photo Viewpoints 10c and 10d illustrate the views at ‘dusk’ and during ‘darkness’. During periods of operation the proposed Floodlights will illuminate the surfaces of the 3no. Sites (depending on the requirements – Courts/Pitches can be illuminated independently or cumulatively). The most visually sensitive is the Hockey Pitch – the surface of which would be visible as a rectilinear ‘illuminated element’ that would contrast with the dark surroundings. Light spill is controlled through the design of the Lighting elements and the height of the Poles. In addition to the Hockey Pitch – the illuminated surface of part of the Triple Courts would be visible. The proposed Lighting would be viewed in conjunction with the existing lighting elements of the Campus and the moving headlights/taillights of vehicles travelling along the A361. The proposed Floodlights would only operate until 8.00pm – thereby only having a temporary effect on the View.

7.77 The predicted magnitude of change will vary – according to how many of the Sites are lit any one time. As a worst-case scenario (all three Sites are lit) the magnitude of change is judged to be ‘Medium’ where the illuminated Pitch/Courts are likely to be clearly visible and likely to affect a good number of visual receptors. This is likely to reduce to ‘Low-Medium’ if the Lighting is limited to the smaller Courts – where it will be filtered by the intervening tree canopies but still giving rise to some change in the View.

Scale of Visual Effect

7.78 Looking at the worst-case scenario (all the Floodlights in operation) a ‘High’ sensitivity combined with a ‘Medium’ magnitude of effect would result in a ‘Moderate adverse’ scale of effect during the early evening.”

Although the submitted LVIA is not explicit in its breakdown of harm associated with each application, it concludes a worst case scenario would result in a ‘moderate adverse’ impact during the early evening.

During daylight, the introduction of tall lighting structures would appear incongruous in this rural and open setting resulting in an urbanising encroachment into the countryside and harms to local views and views from the Tor. This harm would be present for all of the applications considered individually or all three considered cumulatively.

During dusk and night time this harm would increase. As well as local viewpoints including PROW’s, this is particularly harmful when viewed from the Tor, an important Special Landscape

Feature. As demonstrated via illustrations in the LVIA, the current wider school site has some scattered lighting and concentrated lighting at the equestrian centre further west (closer to the school buildings). The application site itself is dark. The introduction of the lighting as proposed, either individually or cumulatively, would increase the impact of the school and harm this sensitive and important landscape view. Although the lighting associated with the equestrian centre is very prominent from the Tor currently, this harm should not be replicated and exacerbated by the development as proposed, leading further into the countryside.

Whilst the proposed landscape mitigation is noted, it would not be possible to successfully mitigate the harm identified from the height of the lighting columns and their associated lighting.

In conclusion on this matter, the proposal by reason of its form, height, materials and lighting is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area and would be harmful to local views and views from the Tor. The proposal offends policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Conservation:

The site is near to Glastonbury Tor which is a significant feature within the town historically, culturally and spiritually. 360 degree views to and from the Tor are particularly celebrated and sensitive. The Tor is a significant feature within the landscape, which is green and open in character. There are other heritage assets in proximity to the site including the Glastonbury Conservation Area; scheduled monuments (St Michael's Church on Glastonbury Tor and Ponter's Ball Linear Earthwork); and listed buildings (St Michael's Church (GI), The Homestead (GII), Edgarley Farmhouse (GII) and Havyatt Farmhouse (GII)).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area, having regards to the Conservation Area Assessment of Glastonbury (2010), policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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, policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Following discussion with the agent, a Heritage Statement has been submitted which comments on the impact on the nearby heritage assets including the Grade I listed St Michael's Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area. This identifies harm to the significance of heritage assets via impact on their settings. The Conservation Officer agrees the proposal would result in 'less than substantial harm' to these assets by having an adverse impact on their settings.

The Conservation Officer has agreed with the Heritage Assessment in that The Tor and St Michaels Church Tower are of '*High Significance*', potentially '*Very High Significance*' and views to and from The Tor '*have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.*'

The Heritage Assessment and agent have set out conclusions on the different impacts on the different heritage assets, which differ slightly between applications and heritage assets. The Conservation Officer has not made an assessment in this detail but nevertheless identified harms which need to be weighed against public benefits. The Conservation Officer has identified less than substantial harm at The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Hayatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area.

In relation to impacts on the conservation area, the Conservation Officer has concluded that:

"Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset."

In relation to impact at night time, harm has been identified by the Heritage Assessment and reiterated by the Conservation Officer. This part of the site is not currently lit and set away from the rest of the school buildings on the rural edge. As above, this part of the school site is open and rural in character. The school's existing lighting is illustrated in the submitted Heritage Statement. The proposal, both individually and cumulatively with the other two planning applications for flood lights nearby, would exacerbate lighting impacts. The site is on the edge of the school development and proposed development would encroach urban elements (lighting) into the countryside.

Although the Heritage Assessment makes some comments on mitigation planting, notwithstanding the scale and time needed, this is in places discounted due to maintenance and potential loss of the rugby pitch. The Heritage Assessment also suggests that lighting is not used during special events (e.g. solstice and New Year's Eve). Notwithstanding this would be insufficient mitigation, this would not pass the 'enforcement' test for conditions. It is concluded that mitigation suggestions set out in the Heritage Assessment or application would inadequately mitigate the impacts on the heritage assets.

This application is one of three similar applications for flood lighting in this part of the school. Although the Conservation Officer has not specified where in the spectrum of less than substantial harm each proposal sits in relation to each of the heritage assets, the harms identified in the Heritage Assessment and comments from the Conservation Officer are clear.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

As such, paragraph 202 of the NPPF requires an assessment of public benefits when harm has been identified. The agent has set out a case for public benefits as follows:

“The grant of planning permission would facilitate additional use of the site by the wider community. The school is extremely keen to improve integration with the wider community and I have been informed by our client that they have recently restarted parents’ hockey and tennis sessions and there is also interest in offering rugby and football coaching in the evenings if the illumination is provided.

There is also ample opportunity to make the facilities available for use to local sports clubs for training and fixtures. The normal daily timetable is that school use of the pitches ceases by 6pm each day, albeit that this timetable could be revised if certain external clubs required an earlier start. If planning permission is granted, opportunities include (but are not limited to):-

- Hosting Shepton Mallett and/or Mid Somerset Hockey Clubs (hockey pitch and triple courts)*
- Club fixture and/or training use in the evenings or Saturday mornings, allowing sufficient time for 2 fixtures. This may include hosting two adult/junior hockey/netball teams as a ‘neutral’ venue (hockey pitch and triple courts)*
- Use of the tennis courts by local clubs / LTA evening events and competitions and county junior training (triple courts, hockey pitch (additional tennis nets are available to convert the hockey pitch into 6no additional courts), show court)*
- Use of the hockey pitch by Somerset Hockey Association for Junior Development Centre, Academy and Performance Training (which always takes place in the evenings) (hockey pitch for match play and triple courts/show court for training and skills sessions)*
- The re-establishment of Mid-Somerset Football Club by the Football Development Officer (hockey pitch for match play and other courts for training and skills sessions)*

- Use of the netball courts by local clubs for training and as an alternative/additional venue for weekend fixtures for juniors and seniors (triple courts)
- Exeter Rugby Club run training programmes (hockey and triple courts)
- Local football club and satellite club usage (hockey and triple courts)

The additional benefit is that the use of the facilities by local clubs enables Millfield's own students to have improved access to grassroots sporting opportunities, which in turn provides additional support to these clubs.

As a result, the Council can be very confident that the proposal offers a wide range of public benefits, including to physical well-being, mental well-being, social and community development and integration, economic development and the development of the individual. This includes the provision of employment of Millfield Staff and within outside organisations and financial support given to local services, facilities and attractions by visiting members of the public.

If there is any doubt about Millfield School's willingness and ability to offer these public benefits, then regard should be had to the following website extract :-

<https://www.millfieldschool.com/discover-brilliance/public-benefit>

Finally, in environmental terms, the application offers an opportunity to enhance existing playing field facilities which are protected in the Local Plan, ensuring that their use and viability is optimised and maintained in the longer term. Moreover, the ecological report and the landscape consultant recommendations propose a series of mitigation and enhancement measures which include extensive new planting to offer screening and improve biodiversity wherever possible."

The Millfield Enterprises website confirms the following:

"Millfield Enterprises is the commercial arm of Millfield Schools, responsible for maximising the use of the extensive facilities throughout the year, particularly in the school holiday periods.

Our facilities can be hired for individual bookings or for conferences and events. We have hosted events both at national and international levels, with our wide range of facilities making Millfield the perfect place for a variety of purposes including corporate hospitality functions, exhibitions, concerts, shows and filmmaking.

Alongside this, we run a number of courses throughout the year from Multi-Activity to specialised sports courses, as well as an Easter Revision Course for students studying for their GCSEs and A Levels, and an English language course for international students."

Although these could be considered public, there is some uncertainty as to whether they also act as private benefits to the school as a business. Insufficient detail and solid commitments have been submitted to demonstrate the proposal, individually or cumulatively, would provide such public benefits to outweigh the harms identified to the historic assets.

Following discussion with the agent in relation to public benefits, the agent has suggested a Community Use Agreement be submitted by the applicant for consideration – which could potentially be controlled by condition if the applications were to be supported. Community Use Agreements are sometimes used to confirm community use arrangements – for example they may be suggested by Sport England as part of a proposal for a new playing pitch. Such an agreement would be expected to commit to clearly specified arrangements for community use. The agent has suggested this could be considered as a public benefit to outweigh heritage harm. Agreed timescales have now passed without the submission of any firm commitments by the school. The LPA now needs to determine these applications. Notwithstanding that no details have been submitted on this, any such public benefit would be very unlikely to outweigh the heritage harm identified.

In conclusion on this matter, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case, and after consideration of the Glastonbury Conservation Area Appraisal, it is concluded that, by virtue of the height and form of the lighting structures proposed and the lighting itself, the proposal would fail to at least preserve the character and appearance of the Glastonbury Conservation Area and its setting. This harm is not outweighed by sufficient public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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. Less than substantial harm has been identified to various listed buildings including The Tor/St Michael's Church Tower, The Homestead, Edgarley Farmhouse and Havyatt Farmhouse. This harm has not been outweighed by public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

The proposed development would not be in close proximity to neighbouring residential occupants.

The application proposes to operate the lighting as needed between 7am and 8pm. This timescale is considered acceptable in residential amenity terms. Were the application recommended for approval, this could have been controlled via condition.

Impact on Ecology:

The application has been submitted with a Preliminary Ecological Assessment (PEA) prepared by Richard Green Ecology. This concludes the impacts of the proposals as follows:

“The proposals would result in the loss of approximately 2,000 sqm of amenity grassland of low ecological value. The increased lighting to the site could have a minor impact upon foraging and commuting bats. However, the population of bats visiting the site is likely to be low, considering that there is little suitable habitat or foraging opportunities.”

A lighting assessment prepared by Musco Lighting has also been submitted which includes light spill figures. This also shows coloured isolux contour lines. Although this does not include a key, the submitted LVIA includes a key which clarifies the contours refer to +2.0 lux, +5.0 lux and +10.0 lux.

The Somerset Council Ecologist has referred to the ILP Guidance Note 08/18 ‘Bats and artificial lighting in the UK’ (2018) and confirmed that:

- *“The proposals do not demonstrate that bats will not be disturbed or prevent bats using their territory (hedgerow, trees and woodland edge). The proposed lighting does not provide enough buffer between hedgerow, trees and/or woodland edge. In particular no comments have been made on the adverse impacts to the hedgerow directly east of the football pitch and suggested mitigation for this. The proposals at present show clear adverse effects through artificial lighting on wildlife including bats.*
- *Lighting levels of 3 Lux or less where feasible and ideally 0.5 lux are recommended where directly adjacent to woodland, hedgerow and tree lines, so as not to have a negative impact on foraging bats (or other light adverse wildlife).”*

There is a hedgerow running along the eastern boundary of the site. The Lighting Assessment shows light spill lux levels significantly higher than levels set out in the guidance (with a maximum of 402 adjacent to the eastern hedgerow). The lighting assessment shows lux levels at 0.0 on the hedgerow to the south of the site, although the Somerset Council Ecologist has outlined concern at the limited buffer. As such, the application has not demonstrated that bats would not be disturbed or prevented from using their habitat.

Overall, the Somerset Council Ecologist has recommended refusal due to insufficient information being submitted to demonstrate impacts on protected species (namely bats as well as dormice) and the Mells Valley Special Area of Conservation.

As such, it is concluded that the proposal is contrary to the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019), Local Plan Part 1 policies DP5 and DP6 and Part 15 of the National Planning Policy Framework 2021.

The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, it is concluded that given that there is no overnight accommodation proposed, no additional pupil numbers associated with the development, and employees and visitors would likely originate from within the Ramsar catchment, the proposal would not result in an increase in net phosphate outputs in the area. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and a Habitats Regulations Assessment in this instance is not required in relation to phosphates and demonstrating nutrient neutrality.

Open Space:

The site is designated as an open space which is protected under Local Plan Part 1 policy DP16. The proposal would not undermine the site's use as an open space and is considered acceptable in this regard.

Assessment of Highway Issues:

There are no proposed changes to access or parking, and no concerns in this regard.

The proposal is concluded to accord with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Public Rights of Way (PROW):

There are various PROW near the application site. The proposals would not obstruct or impact on the PROW's, other than landscape impact (see Landscape section above).

Land Drainage:

Most of the site is within flood zone 1, and part of the site falls within flood zone 2. Table 2 of the NPPG 'Flood risk and coastal change' sets out when a sequential and exception test is required. Footnote 56 of the NPPF sets out exclusions to this as "small non-residential extensions (with a footprint of less than 250m²)". The proposed floodlighting application falls within this definition of "small non-residential extensions (with a footprint of less than 250m²)" and therefore the

need for a flood risk assessment, sequential test and exception test is avoided. The proposed development has a small footprint and is not associated with a vulnerable use.

In conclusion on this matter, the proposed development, being the erection of floodlights of low impact construction is not considered to have an adverse impact on flood risk. The proposal accords with policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

The benefits of this proposal include enhanced facilities and increased use of sports pitches at this independent school. This may result in some increased sports provision to the local area. However, it is recommended that planning permission is REFUSED due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

Recommendation

Refusal

1. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species (namely bats as well as dormouse) and the Mells Valley Special Area of Conservation, and therefore whether the proposal is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.
2. The proposed development by reason the lighting and tall structures, would have a harmful visual impact on the character of the heritage assets including The Tor/St Michael's Church Tower and the Glastonbury Conservation Area failing to preserve or enhance the Heritage Asset. The harm to the significance of the designated heritage assets is not outweighed by the public benefits identified and therefore the proposal is contrary to Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 202 of the National Planning Policy Framework.
3. The development would be highly prominent and visual, representing an unacceptably obtrusive and incongruous feature in the countryside which would have a harmful impact on the street scene and wider surrounding landscape. The proposal would significantly degrade the quality of the local landscape and harm landscape views including local views and views from Glastonbury Tor. The development would therefore be contrary to policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan 2006 - 2029 Part I (adopted December 2014) and the National Planning Policy Framework, particularly parts 12 and 15.

Informatives

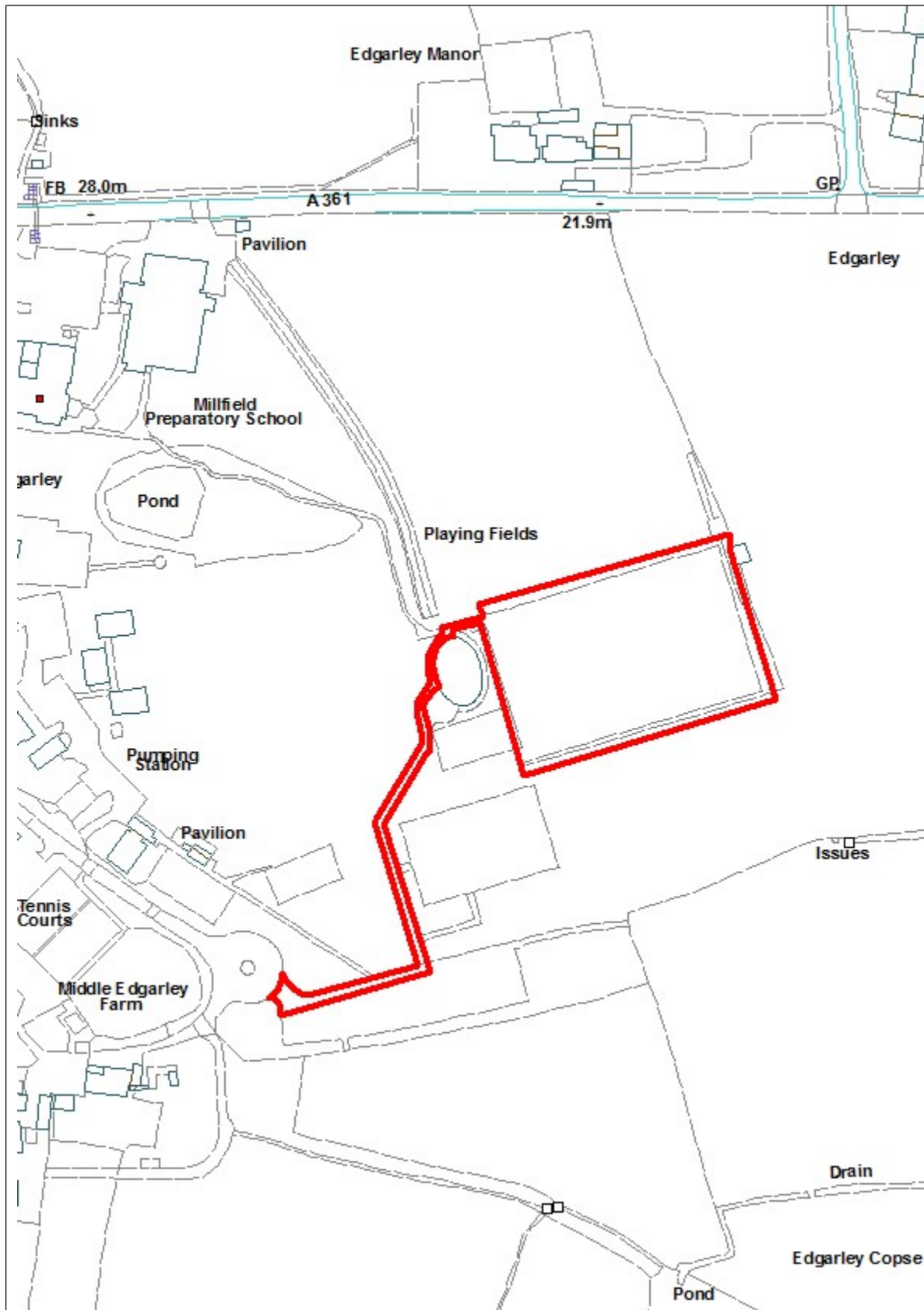
1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings/documents:
LOCATION PLAN - received 29.07.2022
EXISTING SITE PLAN - received 18.07.2022
PROPOSED BLOCK PLAN - received 29.07.2022
176876P1 FLOODLIGHTS ELEVATIONS F6 - received 29.07.2022

176876P1 FLOODLIGHTS ELEVATIONS T5, T7, T8 - received 29.07.2022

PRELIMINARY ECOLOGICAL ASSESSMENT - received 18.07.2022

LIGHTING ASSESSMENT - received 18.07.2022

PLANNING STATEMENT - received 18.07.2022



Planning Board Report 1st August 2023 - 2022/1521/FUL
Millfield Preparatory School
Edgarley Road
Edgarley
Glastonbury
Somerset
BA6 8LD

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Application Number	2022/1521/FUL
Case Officer	Nikki White
Site	Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset
Date Validated	29 July 2022
Applicant/ Organisation	c/o C Richardson Millfield Preparatory School
Application Type	Full Application
Proposal	Proposed installation of 6no. floodlights at hockey pitch
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

What3Words:

The application site can be found by entering the following into www.what3words.com:

reshaping.hype.remedy

Scheme of Delegation:

In accordance with the scheme of delegation, this application has been referred to the Chair and Vice Chair of the Planning Committee. This is because the case officer recommendation is to refuse, the Town Council supported the application, and the Ward Member did not submit a comment. Following this referral, it has been confirmed that the application should be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to erection of floodlights at Millfield Prep School, Edgarley Road, Glastonbury. Three applications have been submitted for floodlights in close proximity to each other at this site including:

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

The application proposes to operate the lighting as needed between 7am and 8pm.

The site is outside the development limits of Glastonbury. It is designated as an Open Space (protected under LP1 policy DP16). It is within the Somerset Levels and Moors Ramsar catchment area. The site falls within the Upper Brue Internal Drainage Board Area. Although most of the site is within flood zone 1, there is an area within the hockey pitch that is showing as within zone 2 on the Environment Agency mapping.

Glastonbury Tor is located approximately 1.2km to the north west of the proposed development. This is a Special Landscape Feature, scheduled monument and St Michael's Church Tower is Grade I listed. There are various other heritage assets in proximity to the site, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

PROW WS15/42 runs to the south of the proposed development. There are other PROW's in proximity to the site.

Relevant History:

There is extensive planning history for the site. As well as the parallel applications referred to above, relevant history is outlined below:

2013/0199 - Erection of new floodlights [at equestrian facilities] – approved with conditions (AWC) - 03.04.2013

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

Ward Member: no comments received

Glastonbury Town Parish Council:

Recommend approval if the hours of use are restricted to 7am to 7pm.

Environmental Protection: no objections

We have no objections to this proposal, however, the applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990 and the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 if the floodlights cause any nuisance to the surrounding residential properties.

Historic England:

- No specific comments or advice.

- Suggest that you seek the views of your specialist conservation and archaeological advisers.

Conservation: objection/recommend refusal

- Proposals would result in 'less than substantial' harm to the significance of a number of designated heritage assets, including the Grade I listed St Michaels Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area, by having an adverse impact on their settings.
- As indicated in the Heritage Statement, the proposals have the potential to impact the setting of four listed buildings, including the Grade I listed St Michaels Church Tower at the top of Glastonbury Tor, Glastonbury Conservation Area and two Scheduled Monuments, including Glastonbury Tor. As is made clear in the Glastonbury Conservation Area Appraisal, St Michael's Church Tower and The Tor is one of the most important focal points within Glastonbury/the Conservation Area, with views both to and from these features being of particular significance. Glastonbury lies within an area of great natural beauty, with the edges of the town and beyond characterised by its rural qualities and open green spaces. Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset.
- The Heritage Statement has concluded that The Tor and St Michaels Church Tower are of 'High Significance', potentially 'Very High Significance' given its acknowledged international importance. It also notes that views to and from The Tor 'have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.' When the proposed floodlights are in use, they would extend the already illuminated area of the school considerably into a large area of currently dark/unlit space. There is already a relatively large amount of lighting at the school site, particularly from the equestrian centre. Further expanding this would be to detriment of the rural landscape and the setting of the both the Conservation Area and the Tor/St Michael's Church. The Heritage Statement has concluded that the proposals would overall result in 'less than substantial' harm to the significance of The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Havyatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area. The Heritage Statement notes that 'the proposed floodlights will therefore undoubtably increase the scale of visible light sources on the Millfield Preparatory School campus when they are in use at night as viewed from Glastonbury Tor (and to a lesser degree at Edgarley Farmhouse). In terms of night time views from the Tor - this will stand out more as the surrounding area (to the south, SE, east, and NE) is relatively dark at night with few large light sources' and concludes that the proposals 'will therefore result in a degree of 'less than substantial harm' (as defined by the NPPF paragraph 202) regarding the settings of the heritage assets which contribute to their overall significance. As less than substantial

harm is considered to be determined, public benefit/s must be identified to offset the proposal.'

- Overall, I agree with the above conclusions made by the Heritage Consultant. Therefore, it will be for the case officer to determine whether there is sufficient public benefit to outweigh the level of harm identified to the significance of the relevant designated heritage assets, as required by Paragraph 202 of the NPPF (2021).

Ecology: objection (summary of final comments)

- Recommend refusal on applications 2022/1521/FUL, 2022/1456/FUL and 2022/1455/FUL due to lack of further survey information to confirm the likely absence of bats. Suitability within the site has been confirmed for foraging and commuting bats by the submitted ecology reports within the application sites, and the current lighting proposals are at a level that is far beyond suitable for protected nocturnal species such as bats.
- An opportunity to provide further information has been requested as to how light spill can be reduced on those areas likely used by bats using their territories (hedgerow, trees and woodland edge). A lighting level of 3 Lux or less where feasible and 0.5 lux where directly adjacent to woodland hedgerow and tree lines has been advised in the absence of further survey information, so as not to have a negative impact on foraging and bats (or dormice if present). No changes to lighting proposals and/ or further survey information to confirm presence or likely absence has been submitted.
- Therefore, at present there is insufficient information to establish the presence of protected species (including European Protected Species) and the extent to which they may be affected. As per Government circular 2005/06, all relevant material considerations have thus not been addressed prior to making the decision.
- The statutory advice provided by SES in our previous consultation response remains as provided, which is based on the requirements of both legislative and policy mechanisms and best-practice professional guidance.

Local Representations:

1 letter of objection has been received raising the following matters:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed
- Object to all 3 parallel applications at this site

1 neutral comment has been received, raising the following matters:

- Existing floodlights at the site have been left on until past midnight previously. No objection subject to turning off at 9pm at the latest.

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (December 2021)

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

- CP1 (Mendip Spatial Strategy)
- CP7 (Glastonbury Town Strategy)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage Conservation)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP16 (Open Space and Green Infrastructure)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) including Light Pollution
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' (2021)
- ILP Guidance Note 08/18 'Bats and artificial lighting in the UK' (2018)
- Information from the Bat Conservation Trust on Bats and artificial lighting in the UK, and Eurobats Guidelines for consideration of bats in lighting projects

- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Code for Lighting
- The Chartered Institution of Building Services Engineers (CIBSE) – Society of Light and Lighting (SLL) Lighting Guide 6: The Exterior Environment
- Conservation Area Assessment of Glastonbury (2010)

Assessment of relevant issues:

Principle of the Use:

Although the site is outside the development limits of Glastonbury, it is within an established school site and the proposal would facilitate existing sports provision associated with the school. As such the principle of development is acceptable in this case.

Design and Landscape Impacts:

The applicant describes the proposals thus:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
 - *“The installation of a total six lighting columns (F1-F6) spaced evenly along the northern and southern boundaries of the pitch outside of the fencing;*
 - *Mast height - 18.29m*
 - *Number of lamps per column - F1,2 &3 - 3no. lamps, F2&5 - 4no. lamps, F6 - 8no. lamps (to also illuminate the adjacent tennis courts).*
 - *Luminaire - TLC-LED-1200 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
 - *“The installation of a total of 4no. lighting columns (T5,7-8 and F6) spaced at the outer corners of the court;*
 - *Mast height - T5,7 & 8: 15m; F6 : 18.29m with lights at 15m*
 - *Number of lamps per column - 3no.*
 - *Luminaire - TLC-LED-900 lux - anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
 - *Materials - galvanised steel”*
3. 2022/1455/FUL - 4 floodlights at show tennis court

- *“The installation of a total of 4no. lighting columns (T1-3 and F6) spaced at the outer corners of the court;*
- *Mast height – T1-3: 15m F6 : 18.29m with lights at 15m*
- *Number of lamps per column – 2no.*
- *Luminaire – TLC-LED-600 lux – anti-glare, energy efficient and directional LED light source <https://www.musco.com/we/tlcled/>*
- *Materials – galvanised steel”*

“The floodlights would all be directional and focused towards specific parts of each playing area so as to reduce the beam elevation, and thus minimise lamp intensity projected outside of the site. This also has the advantage of reducing the source intensity of each floodlight when viewed from any surrounding vantage points.”

Paragraph 185 of the NPPF requires planning policies and decisions to, amongst other things:

“c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The NPPG ‘Light Pollution’ sets out guidance for applicants and LPA’s which should include consideration of:

- *“where the light shines;*
- *when the light shines;*
- *how much light shines; and*
- *possible ecological impacts.”*

As confirmed in the Mendip District Landscape Character Assessment (2020), the site is outside but near to a Special Landscape Feature. Glastonbury Tor/St Michael’s Church Tower (GI and scheduled monument) is a significant feature in the landscape and the cultural, historic and spiritual identity of Glastonbury. As summarised in the conservation section of this report below (as well as the applicant’s Heritage Assessment and LVIA), there are various other listed buildings, scheduled monuments and the Glastonbury Conservation Area in proximity to the application site.

The floodlights are proposed within the school recreation area. Although the Sports Pavilion building is near the pitches, the application site is set further east from the built up part of the school and is open and rural in character. The application site is on the rural edge of the site and the town, and is prominent in views including from road network (including the A361 Edgarley Road to the north); the PROW network (including WS15/42 to the south); and surrounding countryside (including Glastonbury Tor to the north west).

The agent has stated the proposal accords with the ILP Guidance Note 01/21 'The Reduction of Obtrusive Light' as follows:

- *“Light source – Lights have cowls and visors with internal reflectors, chosen based on specific site requirement – everything is built to order.*
- *Luminaires – The height of the mast and angle of light, lumens and angle of each lamp has been designed to ensure that sky glow and glare are mitigated to the greatest extent. Asymmetric optics are proposed.*
- *Installation – The highest possible mounting height has been used to enable the use of narrower beam floodlights to reduce spill light and glare. The worst case aim is 66,4 degrees so well within the required 70 degrees”*

At 18.29m in height, in the context of this dark and rural edge to the school site, the structures would be prominent and incongruous in this location.

Following discussion with the agent, a Landscape Visual Impact Assessment (LVIA) has been submitted which includes the following points:

“6.8 The Pole heights range from 15m to 18.29m. The taller Poles used around the Hockey Pitch are specified to reduce any light spill or glare down to the absolute minimum – whilst providing the desired pitch performance conditions. The location of the Columns and details of predicted light spill are illustrated on Figures 12 and 13. The proposed mounting heights may be considered ‘high’ – but lower alternatives are proven to create higher levels of light spill and require additional lighting points.

6.9 The proposed Fixtures are designed to give rise to 0% upward light and limited horizontal spill which would be considered acceptable for a Site that would be judged to exist within the Institute of Lighting Professionals (ILP) Environmental Zone E2 (Rural – Low district brightness (SQM~15 to 20) i.e. a sparsely inhabited rural area, village or relatively dark outer suburban location.

6.10 The proposed Floodlights would operate on a ‘curfew’ system – i.e. between the hours of 7am and 8.15am and around 4pm to 8pm. The Lighting would only be used during the periods when activities on the Courts/Pitch are scheduled. The Lighting is only likely to be required during the winter months (for the 16-20 weeks per year when the natural light fades towards the end of the afternoon). Further ‘mitigation’ could be provided during pre-determined special events during winter when large numbers of people may visit the Tor at night-time (such as the Winter Solstice, New Years Eve) where it could be agreed that the Floodlights are switched off.”

The following mitigation measures are proposed as part of the application:

- *“The enhancement of the sports field boundary to the north of the Sites – through additional specimen tree planting and native species hedge planting;*

- *The enhancement of the field hedge to the south of the Site through specimen tree planting;*
- *The hedgerow to the south-eastern boundary of the Sites to be allowed to grow to a minimum height of 2m to provide screening of the habitats beyond and to increase bird nesting habitat and bat foraging potential (with ref. the supporting PEA)*
- *To allow selected trees within all of the peripheral hedgerows to grow to a standard height to enhance the visual screening towards the Sites and to increase the biodiversity value.”*

The submitted LVIA summarises the landscape character, and refers to the Mendip District Landscape Character Assessment (2020). The LVIA includes a series of photographs taken from key viewpoints and goes on to assess the impact of the proposed development on residents, public right of way (PROW) users, open/common land, visitors of places of interest (focussing on the Tor) and road users.

The LVIA assesses the sensitivity of each of the 10 viewpoints considered, and concludes as to the magnitude of change associated with the proposed lighting (considering all 3 concurrent flood light applications). The LVIA identifies harm to landscape. As an example of the harm identified, when considering the impacts on viewpoint 7 (road users of A361), the LVIA states the following:

“Predicted View and Magnitude of Change

7.55 Within this View the proposed Floodlighting Poles to the periphery of the Hockey Pitch (6no. F1 – F6 with ref. the Pole Location Plan) would be visible – plus Pole T3 (north-eastern corner of the Show Court). The upper sections of Poles F1, F3, F4 and F5 will form new skyline elements – with the remainder sitting against the darker backdrop of Edgarley Copse. During the hours of darkness the surface of the Hockey Pitch would be illuminated – introducing a new ‘linear and horizontal’ focal element into the view. The Pitch lighting would be seen in conjunction with the internal and external lighting of the Sports Pavilion and the headlights/taillights of vehicles using the road corridor. The magnitude of change is assessed as ‘Medium’ during the daylight hours – rising to ‘High’ when the Floodlights are in use.

Scale of Visual Effect

7.56 A ‘Medium’ sensitivity combined with a ‘Medium’ magnitude of change would result in a ‘Moderate adverse’ scale of effect.”

The impact on the Tor is considered as part of viewpoint 10. Photographs have been included during daytime, dusk and night time and the conclusions in the LVIA include the following text:

“Predicted View and Magnitude of Change - Daytime

7.75 Owing to the elevation and the distance from the Sites – the proposed Floodlights around the Hockey Pitch (F2-F5) would be visible as new vertical elements within the View. The elevation of the Viewpoint would foreshorten the vertical aspect of the Poles and they would be viewed against the backdrop of playing fields and the wider farmed landscape. Regarding the Triple Court Site – none of the Poles would be fully visible owing to the visual screening afforded by the intervening tree planting. The predicted magnitude of change is judged to be ‘Low’. Predicted Magnitude of Change – Night-time

7.76 Photo Viewpoints 10c and 10d illustrate the views at ‘dusk’ and during ‘darkness’. During periods of operation the proposed Floodlights will illuminate the surfaces of the 3no. Sites (depending on the requirements – Courts/Pitches can be illuminated independently or cumulatively). The most visually sensitive is the Hockey Pitch – the surface of which would be visible as a rectilinear ‘illuminated element’ that would contrast with the dark surroundings. Light spill is controlled through the design of the Lighting elements and the height of the Poles. In addition to the Hockey Pitch – the illuminated surface of part of the Triple Courts would be visible. The proposed Lighting would be viewed in conjunction with the existing lighting elements of the Campus and the moving headlights/taillights of vehicles travelling along the A361. The proposed Floodlights would only operate until 8.00pm – thereby only having a temporary effect on the View.

7.77 The predicted magnitude of change will vary – according to how many of the Sites are lit any one time. As a worst-case scenario (all three Sites are lit) the magnitude of change is judged to be ‘Medium’ where the illuminated Pitch/Courts are likely to be clearly visible and likely to affect a good number of visual receptors. This is likely to reduce to ‘Low-Medium’ if the Lighting is limited to the smaller Courts – where it will be filtered by the intervening tree canopies but still giving rise to some change in the View.

Scale of Visual Effect

7.78 Looking at the worst-case scenario (all the Floodlights in operation) a ‘High’ sensitivity combined with a ‘Medium’ magnitude of effect would result in a ‘Moderate adverse’ scale of effect during the early evening.”

Although the submitted LVIA is not explicit in its breakdown of harm associated with each application, it concludes a worst case scenario would result in a ‘moderate adverse’ impact during the early evening.

During daylight, the introduction of tall lighting structures would appear incongruous in this rural and open setting resulting in an urbanising encroachment into the countryside and harms to local views and views from the Tor. This harm would be present for all of the applications considered individually or all three considered cumulatively.

During dusk and night time this harm would increase. As well as local viewpoints including PROW’s, this is particularly harmful when viewed from the Tor, an important Special Landscape

Feature. As demonstrated via illustrations in the LVIA, the current wider school site has some scattered lighting and concentrated lighting at the equestrian centre further west (closer to the school buildings). The application site itself is dark. The introduction of the lighting as proposed, either individually or cumulatively, would increase the impact of the school and harm this sensitive and important landscape view. Although the lighting associated with the equestrian centre is very prominent from the Tor currently, this harm should not be replicated and exacerbated by the development as proposed, leading further into the countryside.

Whilst the proposed landscape mitigation is noted, it would not be possible to successfully mitigate the harm identified from the height of the lighting columns and their associated lighting.

In conclusion on this matter, the proposal by reason of its form, height, materials and lighting is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area and would be harmful to local views and views from the Tor. The proposal offends policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Conservation:

The site is near to Glastonbury Tor which is a significant feature within the town historically, culturally and spiritually. 360 degree views to and from the Tor are particularly celebrated and sensitive. The Tor is a significant feature within the landscape, which is green and open in character. There are other heritage assets in proximity to the site including the Glastonbury Conservation Area; scheduled monuments (St Michael's Church on Glastonbury Tor and Ponter's Ball Linear Earthwork); and listed buildings (St Michael's Church (GI), The Homestead (GII), Edgarley Farmhouse (GII) and Havyatt Farmhouse (GII)).

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area, having regards to the Conservation Area Assessment of Glastonbury (2010), policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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, policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Following discussion with the agent, a Heritage Statement has been submitted which comments on the impact on the nearby heritage assets including the Grade I listed St Michael's Church Tower, the Scheduled Monument of The Tor and Glastonbury Conservation Area. This identifies harm to the significance of heritage assets via impact on their settings. The Conservation Officer agrees the proposal would result in 'less than substantial harm' to these assets by having an adverse impact on their settings.

The Conservation Officer has agreed with the Heritage Assessment in that The Tor and St Michaels Church Tower are of '*High Significance*', potentially '*Very High Significance*' and views to and from The Tor '*have high scenic beauty, providing a sense of peace and tranquillity, both in the day and night time, and are considered a high contributor to the significance of the asset.*'

The Heritage Assessment and agent have set out conclusions on the different impacts on the different heritage assets, which differ slightly between applications and heritage assets. The Conservation Officer has not made an assessment in this detail but nevertheless identified harms which need to be weighed against public benefits. The Conservation Officer has identified less than substantial harm at The Tor/St Michael's Church Tower, as well as to the Grade II listed The Homestead, Edgarley Farmhouse and Hayatt Farmhouse, the Scheduled Monument of Ponter's Ball Linear Earthwork and Glastonbury Conservation Area.

In relation to impacts on the conservation area, the Conservation Officer has concluded that:

"Whilst the application site is not located within the conservation area, it is important that any key views into and out of the Conservation Area are protected from new development that might have an adverse effect on the asset."

In relation to impact at night time, harm has been identified by the Heritage Assessment and reiterated by the Conservation Officer. This part of the site is not currently lit and set away from the rest of the school buildings on the rural edge. As above, this part of the school site is open and rural in character. The school's existing lighting is illustrated in the submitted Heritage Statement. The proposal, both individually and cumulatively with the other two planning applications for flood lights nearby, would exacerbate lighting impacts. The site is on the edge of the school development and proposed development would encroach urban elements (lighting) into the countryside.

Although the Heritage Assessment makes some comments on mitigation planting, notwithstanding the scale and time needed, this is in places discounted due to maintenance and potential loss of the rugby pitch. The Heritage Assessment also suggests that lighting is not used during special events (e.g. solstice and New Year's Eve). Notwithstanding this would be insufficient mitigation, this would not pass the 'enforcement' test for conditions. It is concluded that mitigation suggestions set out in the Heritage Assessment or application would inadequately mitigate the impacts on the heritage assets.

This application is one of three similar applications for flood lighting in this part of the school. Although the Conservation Officer has not specified where in the spectrum of less than substantial harm each proposal sits in relation to each of the heritage assets, the harms identified in the Heritage Assessment and comments from the Conservation Officer are clear.

When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification. In line with the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed up against the public benefits of the proposal. It is therefore important to understand that considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise.

As such, paragraph 202 of the NPPF requires an assessment of public benefits when harm has been identified. The agent has set out a case for public benefits as follows:

“The grant of planning permission would facilitate additional use of the site by the wider community. The school is extremely keen to improve integration with the wider community and I have been informed by our client that they have recently restarted parents’ hockey and tennis sessions and there is also interest in offering rugby and football coaching in the evenings if the illumination is provided.

There is also ample opportunity to make the facilities available for use to local sports clubs for training and fixtures. The normal daily timetable is that school use of the pitches ceases by 6pm each day, albeit that this timetable could be revised if certain external clubs required an earlier start. If planning permission is granted, opportunities include (but are not limited to):-

- Hosting Shepton Mallett and/or Mid Somerset Hockey Clubs (hockey pitch and triple courts)*
- Club fixture and/or training use in the evenings or Saturday mornings, allowing sufficient time for 2 fixtures. This may include hosting two adult/junior hockey/netball teams as a ‘neutral’ venue (hockey pitch and triple courts)*
- Use of the tennis courts by local clubs / LTA evening events and competitions and county junior training (triple courts, hockey pitch (additional tennis nets are available to convert the hockey pitch into 6no additional courts), show court)*
- Use of the hockey pitch by Somerset Hockey Association for Junior Development Centre, Academy and Performance Training (which always takes place in the evenings) (hockey pitch for match play and triple courts/show court for training and skills sessions)*
- The re-establishment of Mid-Somerset Football Club by the Football Development Officer (hockey pitch for match play and other courts for training and skills sessions)*

- Use of the netball courts by local clubs for training and as an alternative/additional venue for weekend fixtures for juniors and seniors (triple courts)
- Exeter Rugby Club run training programmes (hockey and triple courts)
- Local football club and satellite club usage (hockey and triple courts)

The additional benefit is that the use of the facilities by local clubs enables Millfield's own students to have improved access to grassroots sporting opportunities, which in turn provides additional support to these clubs.

As a result, the Council can be very confident that the proposal offers a wide range of public benefits, including to physical well-being, mental well-being, social and community development and integration, economic development and the development of the individual. This includes the provision of employment of Millfield Staff and within outside organisations and financial support given to local services, facilities and attractions by visiting members of the public.

If there is any doubt about Millfield School's willingness and ability to offer these public benefits, then regard should be had to the following website extract :-

<https://www.millfieldschool.com/discover-brilliance/public-benefit>

Finally, in environmental terms, the application offers an opportunity to enhance existing playing field facilities which are protected in the Local Plan, ensuring that their use and viability is optimised and maintained in the longer term. Moreover, the ecological report and the landscape consultant recommendations propose a series of mitigation and enhancement measures which include extensive new planting to offer screening and improve biodiversity wherever possible."

The Millfield Enterprises website confirms the following:

"Millfield Enterprises is the commercial arm of Millfield Schools, responsible for maximising the use of the extensive facilities throughout the year, particularly in the school holiday periods.

Our facilities can be hired for individual bookings or for conferences and events. We have hosted events both at national and international levels, with our wide range of facilities making Millfield the perfect place for a variety of purposes including corporate hospitality functions, exhibitions, concerts, shows and filmmaking.

Alongside this, we run a number of courses throughout the year from Multi-Activity to specialised sports courses, as well as an Easter Revision Course for students studying for their GCSEs and A Levels, and an English language course for international students."

Although these could be considered public, there is some uncertainty as to whether they also act as private benefits to the school as a business. Insufficient detail and solid commitments have been submitted to demonstrate the proposal, individually or cumulatively, would provide such public benefits to outweigh the harms identified to the historic assets.

Following discussion with the agent in relation to public benefits, the agent has suggested a Community Use Agreement be submitted by the applicant for consideration – which could potentially be controlled by condition if the applications were to be supported. Community Use Agreements are sometimes used to confirm community use arrangements – for example they may be suggested by Sport England as part of a proposal for a new playing pitch. Such an agreement would be expected to commit to clearly specified arrangements for community use. The agent has suggested this could be considered as a public benefit to outweigh heritage harm. Agreed timescales have now passed without the submission of any firm commitments by the school. The LPA now needs to determine these applications. Notwithstanding that no details have been submitted on this, any such public benefit would be very unlikely to outweigh the heritage harm identified.

In conclusion on this matter, there is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case, and after consideration of the Glastonbury Conservation Area Appraisal, it is concluded that, by virtue of the height and form of the lighting structures proposed and the lighting itself, the proposal would fail to at least preserve the character and appearance of the Glastonbury Conservation Area and its setting. This harm is not outweighed by sufficient public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

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. Less than substantial harm has been identified to various listed buildings including The Tor/St Michael's Church Tower, The Homestead, Edgarley Farmhouse and Havyatt Farmhouse. This harm has not been outweighed by public benefits. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Impact on Residential Amenity:

The proposed development would not be in close proximity to neighbouring residential occupants.

The application proposes to operate the lighting as needed between 7am and 8pm. This timescale is considered acceptable in residential amenity terms. Were the application recommended for approval, this could have been controlled via condition.

Impact on Ecology:

The application has been submitted with a Preliminary Ecological Assessment (PEA) prepared by Richard Green Ecology. This concludes the impacts of the proposals as follows:

“The proposals would result in the loss of approximately 2,000 sqm of amenity grassland of low ecological value. The increased lighting to the site could have a minor impact upon foraging and commuting bats. However, the population of bats visiting the site is likely to be low, considering that there is little suitable habitat or foraging opportunities.”

A lighting assessment prepared by Musco Lighting has also been submitted which includes light spill figures. This also shows coloured isolux contour lines. Although this does not include a key, the submitted LVIA includes a key which clarifies the contours refer to +2.0 lux, +5.0 lux and +10.0 lux.

The Somerset Council Ecologist has referred to the ILP Guidance Note 08/18 ‘Bats and artificial lighting in the UK’ (2018) and confirmed that:

- *“The proposals do not demonstrate that bats will not be disturbed or prevent bats using their territory (hedgerow, trees and woodland edge). The proposed lighting does not provide enough buffer between hedgerow, trees and/or woodland edge. In particular no comments have been made on the adverse impacts to the hedgerow directly east of the football pitch and suggested mitigation for this. The proposals at present show clear adverse effects through artificial lighting on wildlife including bats.*
- *Lighting levels of 3 Lux or less where feasible and ideally 0.5 lux are recommended where directly adjacent to woodland, hedgerow and tree lines, so as not to have a negative impact on foraging bats (or other light adverse wildlife).”*

There is a hedgerow running along the eastern boundary of the site. The Lighting Assessment shows light spill lux levels significantly higher than levels set out in the guidance (with a maximum of 402 adjacent to the eastern hedgerow). The lighting assessment shows lux levels at 0.0 on the hedgerow to the south of the site, although the Somerset Council Ecologist has outlined concern at the limited buffer. As such, the application has not demonstrated that bats would not be disturbed or prevented from using their habitat.

Overall, the Somerset Council Ecologist has recommended refusal due to insufficient information being submitted to demonstrate impacts on protected species (namely bats as well as dormice) and the Mells Valley Special Area of Conservation.

As such, it is concluded that the proposal is contrary to the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species

(Amendment) (EU Exit) Regulations 2019), Local Plan Part 1 policies DP5 and DP6 and Part 15 of the National Planning Policy Framework 2021.

The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, it is concluded that given that there is no overnight accommodation proposed, no additional pupil numbers associated with the development, and employees and visitors would likely originate from within the Ramsar catchment, the proposal would not result in an increase in net phosphate outputs in the area. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and a Habitats Regulations Assessment in this instance is not required in relation to phosphates and demonstrating nutrient neutrality.

Open Space:

The site is designated as an open space which is protected under Local Plan Part 1 policy DP16. The proposal would not undermine the site's use as an open space and is considered acceptable in this regard.

Assessment of Highway Issues:

There are no proposed changes to access or parking, and no concerns in this regard.

The proposal is concluded to accord with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Public Rights of Way (PROW):

There are various PROW near the application site. The proposals would not obstruct or impact on the PROW's, other than landscape impact (see Landscape section above).

Land Drainage:

Most of the site is within flood zone 1, and part of the site falls within flood zone 2. Table 2 of the NPPG 'Flood risk and coastal change' sets out when a sequential and exception test is required. Footnote 56 of the NPPF sets out exclusions to this as "small non-residential extensions (with a footprint of less than 250m²)". The proposed floodlighting application falls within this definition of "small non-residential extensions (with a footprint of less than 250m²)" and therefore the need for a flood risk assessment, sequential test and exception test is avoided. The proposed development has a small footprint and is not associated with a vulnerable use.

In conclusion on this matter, the proposed development, being the erection of floodlights of low impact construction is not considered to have an adverse impact on flood risk. The proposal accords with policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

The benefits of this proposal include enhanced facilities and increased use of sports pitches at this independent school. This may result in some increased sports provision to the local area. However, it is recommended that planning permission is REFUSED due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

Recommendation

Refusal

1. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable impact upon the Favourable Conservation Status of protected species (namely bats) and the Mells Valley Special Area of Conservation, and therefore whether the proposal is compliant with the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). Furthermore, the development conflicts with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.
2. The proposed development by reason the lighting and tall structures, would have a harmful visual impact on the character of the heritage assets including The Tor/St Michael's Church Tower and the Glastonbury Conservation Area failing to preserve or enhance the Heritage Asset. The harm to the significance of the designated heritage assets is not outweighed by the public benefits identified and therefore the proposal is contrary to Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 202 of the National Planning Policy Framework.
3. The development would be highly prominent and visual, representing an unacceptably obtrusive and incongruous feature in the countryside which would have a harmful impact on the street scene and wider surrounding landscape. The proposal would significantly degrade the quality of the local landscape and harm landscape views including local views and views from Glastonbury Tor. The development would therefore be contrary to policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan 2006 - 2029 Part I (adopted December 2014) and the National Planning Policy Framework, particularly parts 12 and 15.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings/documents:

LOCATION PLAN - received 29.07.2022

EXISTING SITE PLAN - received 18.07.2022

PROPOSED BLOCK PLAN - received 29.07.2022

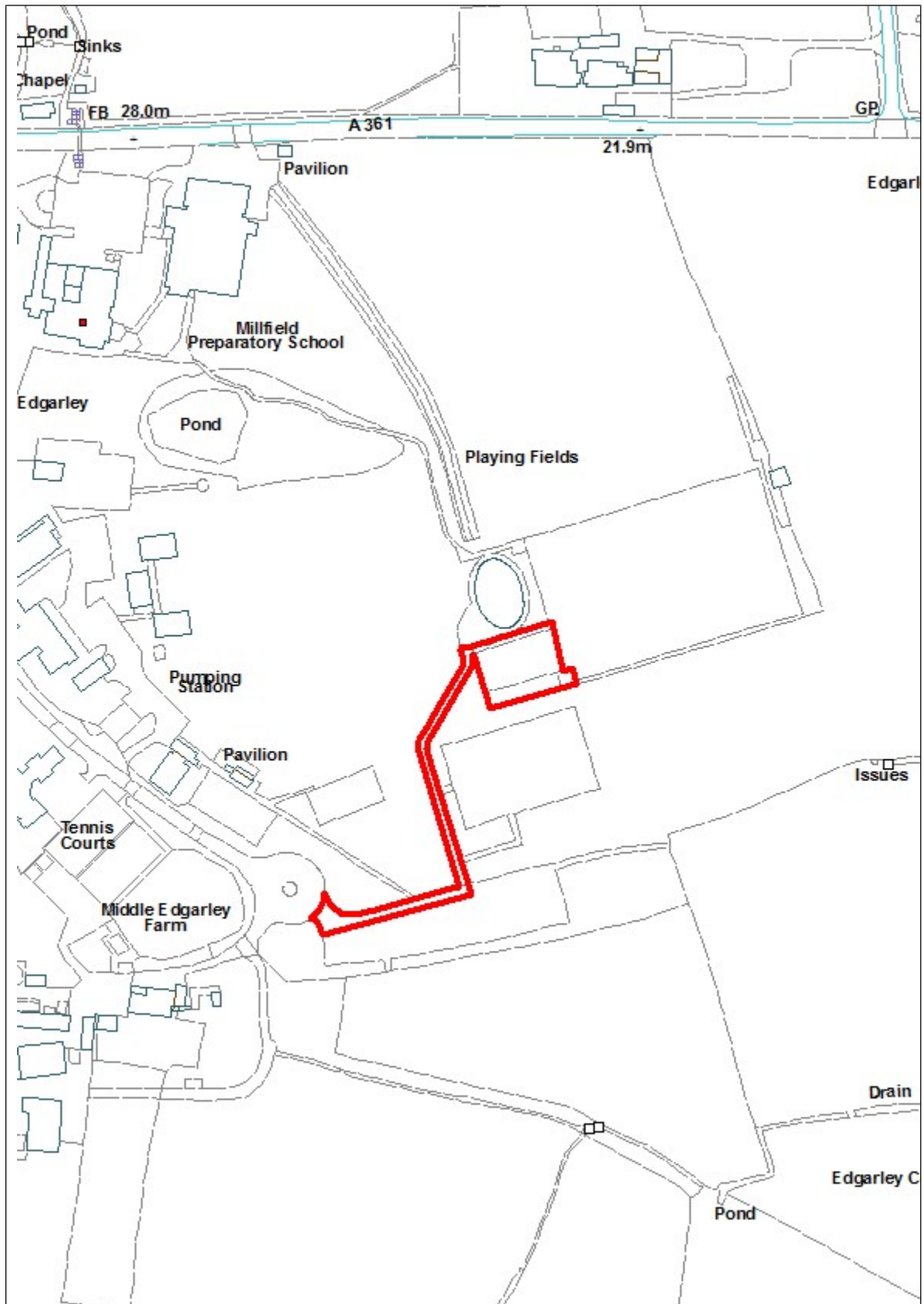
176876P1 FLOODLIGHTS ELEVATIONS F6 - received 29.07.2022

176876P1 FLOODLIGHTS ELEVATIONS T5, T7, T8 - received 29.07.2022

PRELIMINARY ECOLOGICAL ASSESSMENT - received 18.07.2022

LIGHTING ASSESSMENT - received 18.07.2022

PLANNING STATEMENT - received 18.07.2022



Planning Board Report 1st August 2023 - 2022/1455/FUL
Millfield Preparatory School
Edgarley Road
Edgarley
Glastonbury
Somerset
BA6 8LD

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Application Number	2023/0687/FUL
Case Officer	Kirsty Black
Site	Middle Ivythorn Farm Ivythorn Lane Walton Street Somerset
Application Number	2023/0687/FUL
Date Validated	18 April 2023
Applicant/ Organisation	C & J Geall
Application Type	Full Application
Proposal	Construction of driveway and change of use of land to garden
Division	Mendip West Division
Parish	Walton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What3words:

The application site can be found by entering the following into www.what3words.com:

Bounty. Procured. Rubble.

Scheme of Delegation:

In accordance with the Scheme of Delegation, this application is automatically referred to the Planning Committee. This is because this residential development proposal outside of the development limits represents a departure from the development plan.

Description of Site, Proposal and Constraints:

This application concerns Middle Ivythorn Farm, located in Walton. The holding comprises of just under 6 hectares of land and includes a detached, farmhouse with outbuildings, garden, paddock and orchards. The existing main access to the site lies to south of the house from Ivythorn Lane. There is existing parking provision for several cars on the property. The application site lies within an SSSI Impact Risk Zone.

The application seeks consent to change the main residential access to the farmhouse. It is proposed to be via an existing field access to the east of the farmhouse. A new gravel driveway would be constructed to run along on the north side of the existing field boundary and using an existing access onto the public highway. The existing vehicular access (running south of the farmhouse) would be only be occasionally used – namely for putting the bins out.

In addition, this proposal seeks to change the use of a small area of land from agricultural land to residential garden in order to regularise the existing garden area; bring the new driveway in at the front of the house; and provide a slightly enlarged area of garden at the rear.

Relevant History:

None

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

Ward Member: No comments received.

Walton Parish Council: Recommends approval and comment the proposal appears to improve Highway visibility splays.

Local Representations: No comments received.

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

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

The Council's Development Plan comprises:

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

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

- CP1: Spatial Strategy

- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and Ecological Networks
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

Middle Ivythorn Farm lies outside of development limits where development is strictly controlled. The proposed development is associated with the existing farmhouse of an existing agricultural business. As such the proposed construction of a residential driveway and change of use of the land to residential does not have policy support and would represent a departure from the Development Plan. However, in this case there are considered to be material considerations which justify a departure from the Development Plan. The development is limited in scale and does not introduce a new planning unit in an unsustainable location, it simply extends the existing adjacent planning unit and increases the extent of residential curtilage. The encroachment into the countryside is limited, and the development overall does not conflict with the overall aims of the National Planning Policy Framework.

The development is considered acceptable in this case, subject to compliance with other relevant policies, concerned with design and impact of the development on the setting and on residential amenity as well as highway safety and access.

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

Policy DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the Local Planning Authority will support high quality

design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

The new gravel driveway is considered appropriate in scale, design, and appearance, and would have a minimal visual impact on the rural location. Further to this, the proposed change of use of the land into a residential use as a garden will improve the visual appearance of the site and thus the proposal is considered acceptable in visual terms.

Whilst the development will marginally encroach into the countryside, this is considered to result in a very limited impact, and the development will be read in the context of the surrounding development. There will be no harm to landscape character.

Impact on Ecology

It is recognised that the development will necessitate the cutting back of a section of the existing field boundary hedgerow (fronting the public highway) to ensure adequate visibility is achieved when accessing the site. However to limit the development's impact on the local bird population a condition restricting its removal outside the months of March and August should be attached if approval is given in compliance with DP5 of the Local Plan Part 1.

Impact on Residential Amenity:

Given the nature of the development proposed and the existing use of the site, and the distance from residential occupants, the proposal is not considered harmful to residential amenity.

Therefore, given the design, scale, massing, and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic, or other disturbance. The proposal accords with Development Policies 7 and 8 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposal seeks to utilise an existing access onto Ivy Thorn Lane to the east of Middle Ivy Thorn Farmhouse and formalise the internal parking arrangements. The proposed development provides parking and turning spaces for at least 4 cars, in the northern part of the residential curtilage, complying with the standards as set out in the Somerset Council Parking Strategy 2013. It is considered that there is adequate space for cars to turn around and leave the site in a forward gear. Whilst the accesspoint, further to the east of the existing farmhouse, has good visibility in both directions. The proposal would not result in any increased vehicular movements to and from the site overall and would therefore result in no harm the highway network.

It is therefore considered that the means of access arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policy 9 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment

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

Equalities Act

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

Conclusion

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

Whilst the development is contrary to Policies C1 and CP4, which seek to restrict development in the open countryside, there are material considerations which justify a departure from these policies of constraint.

The development is therefore recommended for approval.

Recommendation

Approval

Conditions

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

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings: 1563/001 LOCATION PLAN, 2023-001 SITE PLAN EXISTING, 2023-002 SITE PLAN PROPOSED, 2023-003 SITE PLAN EXISTING and 2023-004 SITE PLAN PROPOSED. All received on 17th of April 2023.

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

3. **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).

4.

5. **Surface Treatment (Compliance)**

The proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: To ensure the approved development maintains highway safety at all times in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

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

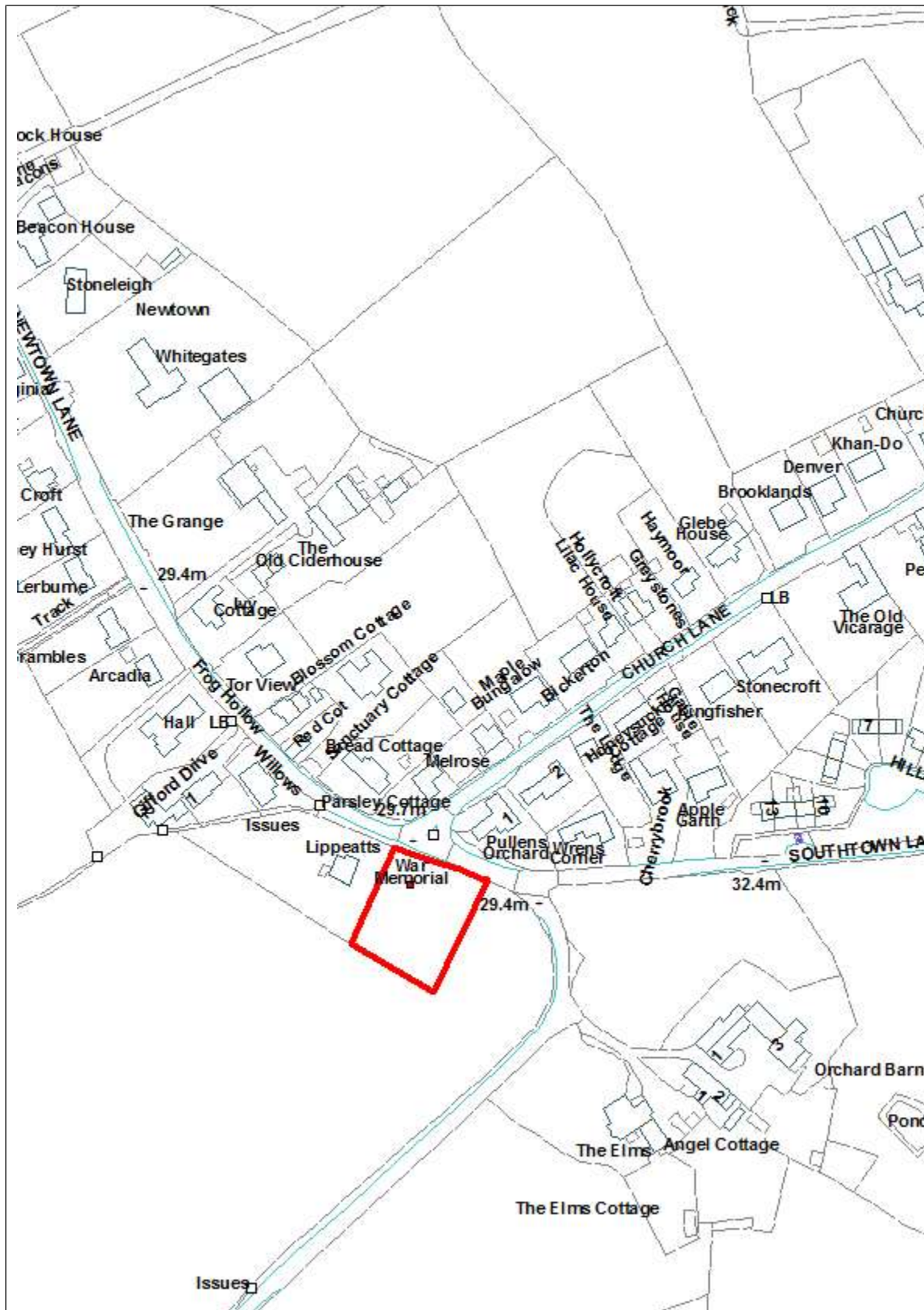
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

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. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. For details of the process and to submit applications online please visit

www.somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence.

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.



Planning Board Report 1st August 2023 - 2021/2070/OTS
 Land At 354940 138061
 Newtown Lane
 West Pennard
 Glastonbury
 Somerset

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Application Number	2023/1084/FUL
Case Officer	Jennifer Alvis
Site	Land At 369311 147357 Quarry Lane Leigh On Mendip Shepton Mallet Somerset
Application Number	2023/1084/FUL
Date Validated	23 June 2023
Applicant/ Organisation	Mrs J Hudson
Application Type	Full Application
Proposal	Convert Barn to form terrace of 3no. single storey dwellings.
Division	Mendip Central And East Division
Parish	Leigh On Mendip Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What 3 Words:

Site Access: chosen.confining.juggler

Development Site: zones.poem.dentistry

Planning Board Referral

Referred to Planning Board as the proposal is considered a departure from the Mendip Local Plan, and the officer recommendation is for approval.

Description of Site, Proposal and Constraints:

This application relates to a building to the rear of Land at Ivy Cottage, Leigh Street, Leigh on Mendip, Somerset, BA3 5QG. The building is located on the edge of Leigh on Mendip and within a Bat Consultation Zone, Mineral Consultation Zone and Source Water Protection Zone.

The application seeks full planning permission for the demolition of the existing barn with consent for conversion to 3no. dwelling houses, and replacement with 3no. terraced dwelling houses, and is part retrospective as a section of the barn has already been demolished and new build construction has commenced.

The access to the dwellings would be as existing, however a separate application (ref; 2023/0693/FUL) is also currently under consideration for the creation of a new access to serve the three units.

Prior approval to convert the existing barn to 3no. dwellinghouses, was granted under Class Q of the General Permitted Development Order (as amended) 2015 in September 2021.

As stated above the proposal is part retrospective given that the barn has already been partially demolished and construction has commenced on the right and centre units. The terrace of dwellings will be over an will occupy approximately 354sqm, accommodating 2 x 3 bedroom dwellings and 1 x 4 bedroom dwelling which is reflective of the scheme approved through the prior approval process.

While the total ridge height is to be increased above that of the former barn (already partially demolished under this new application, the proposed new building form is to be set down lower into the ground to match the surrounding levels.

Planning History

108035/003 - Conversion and extension of outbuilding to farm shop and ancillary accommodation to Ivy Cottage - Approved - June 2007

2010/1362 - Variation of condition 3 (limiting source of goods) and removal of condition 4 (type of produce) of consent no 108035/003. - Approved - August 2010

2017/3266/PAA - Prior Approval for a proposed change of use of agricultural building to No. 3 dwellinghouses (Class C3) and for associated operational development. - Prior Approval Given - Feb 2018

2018/0411/CLP - Application for a proposed lawful development certificate for the erection of 3 No. Dwellinghouses (Class C3) and for associated operational development. - Development is Lawful - April 2018

2021/1611/PAA - Prior Approval for a proposed change of use of agricultural building to 3No. dwellinghouses (Class C3) and for associated operational development. - Granted under Deemed Consent - Sept 2021

2021/2273/CLP - Application for a proposed lawful development certificate to confirm that application 2021/1611/PAA (change of use of agricultural building into 3 dwellings (Class C3) with Associated Operational Development has deemed Consent and the works proposed are permitted Development under Class Q - Development is Lawful - Nov 2021

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

Ward Member: No response

Town/Parish Council: Refusal on the following grounds:

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

Highways: No response

Contaminated Land Officer: No objection

Environmental Protection: No objection subject to a condition restricting construction hours to protect neighbouring properties from noise disturbance.

Ecology: No response

Somerset Minerals Planning Policy: No response

Local Representations: One letter of objection was received raising the following concerns

- within the safeguarding distance of Halecombe Quarry and thus risks limiting future extraction and employment
- Does not meet any identified need as set out in the Housing Need Survey
- Does little to reflect the Village Design Statement
- Fails to reflect the character of the existing barn
- No justification given as to why the barn couldn't be converted as per the Structural Survey
- Impact on the setting of the Grade I Listed church

Two letters of support have also been received

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

www.mendip.gov.uk

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies Post JR Version (December 2021)
- Somerset Waste Core Strategy

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the provision of new housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity)
- DP6 (Bats)
- DP7 (Design and Amenity)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP22 (Reuse and Conversion of Rural Buildings)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)

Assessment of relevant issues:

Principle of the Use:

The application site is located in the open countryside and outside of any development limits as defined in the Local Plan where development is strictly controlled. Furthermore Leigh on Mendip as a village falls within an open countryside location.

The strategic Core Policies within the Local Plan which seek to prevent new housing outside the development limits as referred above are now out of date and therefore have limited weight. In addition, and as a result of the adoption date of LP1, the Local Planning Authority (LPA) cannot currently demonstrate a 5 year housing land supply in accordance with the requirements of the NPPF. Therefore, whilst regard is had to the specified policies in the Local Plan, the policies in the NPPF are engaged and have substantial weight.

As such, Paragraph 11(d) will be taken into account in determining this application, where the LPA will make an assessment as to whether any adverse impacts of the development would be significantly and demonstrably outweighed by the benefits associated with the proposal.

In completing this assessment it will be necessary to assess the scope of harm of this current planning application scheme in the context of the barn conversion allowed under the 2021/1611/PAA for 3no. residential units. The footprint of this scheme requires the existing barn to be demolished, as such the number of residential units that could be delivered on site remains the same as the previously approved scheme through the prior approval process.

The parish council raised a query as to why the barn wasn't converted as per the details provided within the Structural Survey submitted with the original change of use application (2021/1611/PAA), which found the barn was capable of conversion. The applicant has clarified that the conversion couldn't take place due to the low beam heights of the original barn which would have required extensive ground works to comply with building regulations, therefore, while the conversion may have been possible, it would not be a viable option.

In addition, 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 benefits from the following services: a school, a free house and café and a Church. 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 as proposed here would not be isolated, when judged against the NPPF.

Finally, the site lies within a Mineral Safeguarding Area and as such proposed residential development within this area 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.

Given the history on the site for an extant consent for 3 no. dwellings, and that there are other residential properties, both existing and proposed (ref: 2022/0053/OTS), which lie closer to the quarries and have been considered acceptable it is considered that the existing mineral working and the currently permitted resource being extracted at Halecombe Quarry would not be physically impacted by this latest proposal.

Design of the Development and Impact on the Listed Building and Surrounding Area:

The site is located in a rural area to the east of Leigh on Mendip and is bordered to the west and south by existing properties and to the north and east by fields. The access to the site is via an existing track from Quarry Lane. Given the rural nature of the site, the distance from the surrounding public highways, and existing screening from established planting and other buildings, the proposed dwelling is unlikely to be highly visible when viewed from the nearest public vantage points.

The height scale and massing of the proposed dwellings largely matches that of the historic barn with the only exception being a minor increase in ridge height which is offset by the proposed dwellings being set down into the ground whereas the barn sat at a raised level. Overall the ridge height of the barn and proposed properties would sit at the same height when measured using the surrounding ground levels..

The site lies within the setting of the Grade I listed St Giles Church however given the height, scale and massing of the dwellings, which will largely match the historic barn, it's not considered that the proposal would result in any additional impact to the setting of the church than the existing building. In addition, the proposed materials of cedar cladding and zinc roof would retain an agricultural character and result in an improvement on the existing run down barn. The overall built form on the site will be largely retained.

In summary on this matter, it is therefore considered the development would be acceptable in visual terms and in terms of how it would affect the wider landscape character. On this basis the proposals are considered to be in accordance with policies DP1, DP3, DP4 and DP7.

Impact on Residential Amenity:

As mentioned above, the overall height, scale and massing of the proposal remains largely the same as the historic barn and as such would not be considered to result in harm through overbearing or loss of light. The proposed dwellings are single storey and set back from any neighbouring properties therefore mitigation any potential harm through overlooking.

On this basis it is therefore considered that the proposed development would not cause significant harm to the amenities of local residents and/or future residents of the proposed dwelling through loss of light, overshadowing, overbearing impact, and loss of privacy, noise, smell, traffic or other disturbance. The proposal is therefore considered in accordance 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 access is via an existing track, which also serves the property known as The Broad Bean, from a Class 3 highway, Quarry Lane. This track has been in use for many years and has also been assessed as acceptable for additional residential use in terms of the approved scheme approved through the prior approval process. In summary the creation of 3no. dwellinghouses on this site is not considered to result in any significant increase in traffic accessing the site. There is ample space within the site for the parking and turning of vehicles.

An application (ref; 2023/0693/FUL) running concurrently with the current proposal seeks to create a new access further to the north to serve these properties however this application is still pending consideration.

In summary the current means of access to the site is considered acceptable to serve a further 3 dwellings whilst maintaining highway safety standards, with sufficient car parking proposed. 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.

Ecology:

The existing barn has been mostly demolished with the roof entirely removed and as such any roosting or nesting opportunities have been lost. Bat roost and bird nests are protected under the Wildlife and Countryside Act 1981 and as such, the requirements of the Act should have been adhered to prior to these demolition works taking place.

Given that the barn no longer has a roof, it's considered to have negligible roosting or nesting opportunities however the site does lie within a Bat Consultation Zone and as such bats could

be foraging in the area so a sensitive lighting scheme for the proposal is recommended which can be secured via a condition.

In addition to the above, the NPPF requires biodiversity net gain to be incorporated within any planning application. Given the location of the site, it's considered that suitable enhancements for the site, such as additional bat tubes/shelters and bird boxes, should also be secured through a condition.

On this basis the application scheme is considered to be in accordance with the requirements of Policy DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 179 of the National Planning Policy Framework.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion & Planning Balance:

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, and largely reflect what would have been constructed if the historic barn was converted in accordance with the terms of

2021/1611/PAA. 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 significant and would not demonstrably outweigh the benefits delivered. On balance, it is recommended that planning permission be granted.

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: 2023013, 2023014, 2023015, 2023016, 2023017, 2023018, 2023019 and 2023020

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

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

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

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

4. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The

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

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

5. **Wildlife Protection and Enhancement (Pre-commencement)**

No development shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include:

- a. Two 1FF or 2F Schwegler Bat Box or similar will be installed on nearby trees at least four metres above ground level, away from artificial light spill and orientated to face the south, south-west or south-east.
- b. Two Vivra Pro Woodstone House Sparrow nest boxes or similar will be integrated into the north and/or east elevations of the proposed buildings at least three metres above ground level.
- c. An externally fixed 'Bee Box or Bee Hotel' shall be fixed about 1½ metre above ground level on the south or southeast elevation of the dwelling. Please note bee boxes attract solitary bees which do not sting.

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

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

6. **Hours of Construction Works (Compliance)**

Noise emissions from the site during the development, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours:

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Reason: To safeguard the amenities of adjoining occupiers having regards to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement 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 to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

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

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.

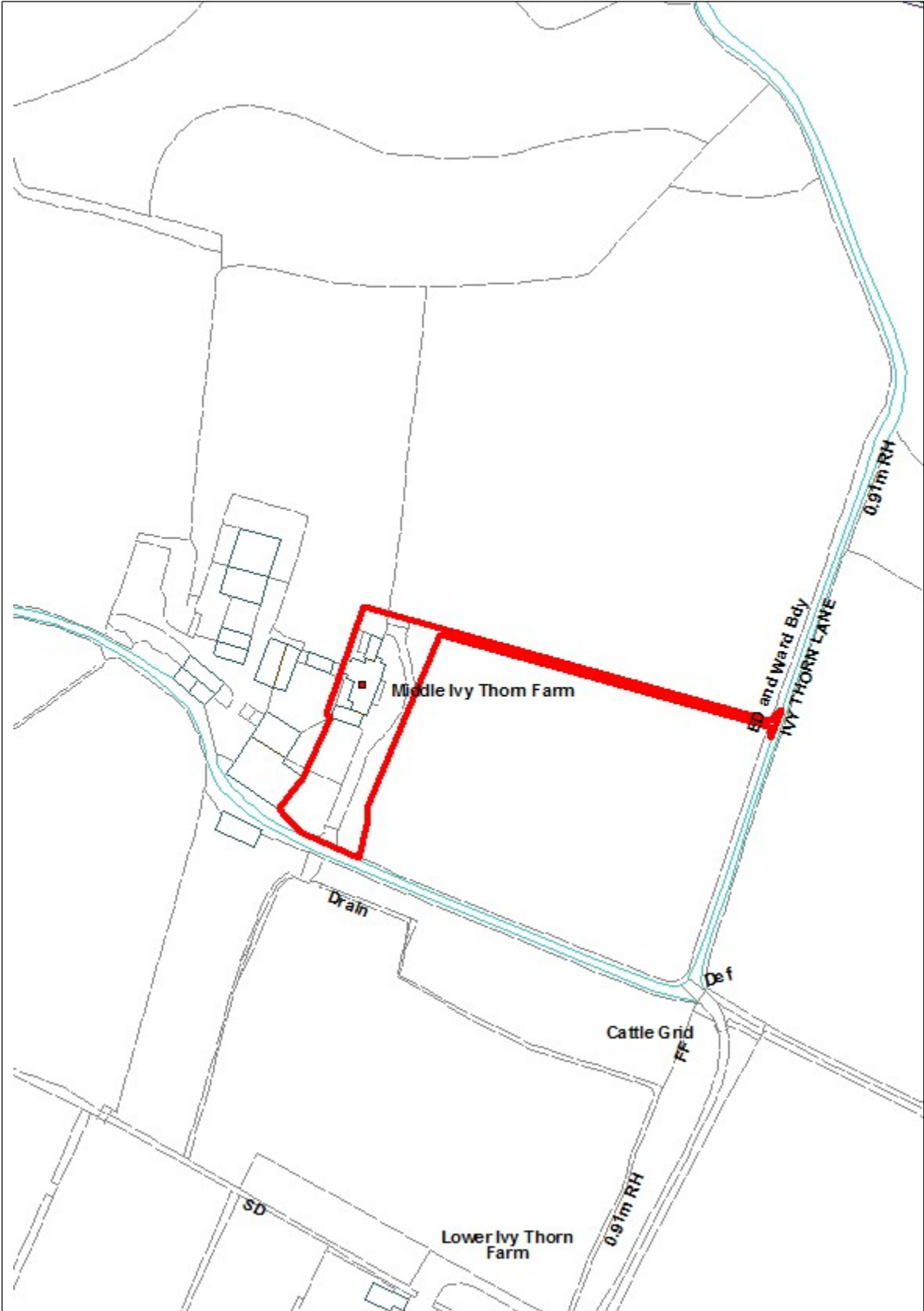
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

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. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>

5. Before commencing any works to trees or existing structures, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st March to 31st August, no works should be undertaken to trees or structures which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees or structures works should immediately cease until specialist advice has been obtained from Natural England.

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Planning Board Report 1st August 2023 - 2023/0687/FUL
Middle Ivythorn Farm
Ivythorn Lane
Walton
Street
Somerset
BA16 9RH

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