

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 2 April 2024 at 2.00 pm

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

To: The members of the Planning Committee - East

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

Councillor Adam Boyden
Councillor 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 **12 noon on Monday 1st April 2024**.

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

The meeting will be webcast and an audio recording made.

Issued by David Clark (the Proper Officer) on Thursday, 21 March 2024

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 2 April 2024

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

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

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

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting (Pages 17 - 36)

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 Wednesday, 27th March 2024.

5 Planning Application 2023/2349/FUL - The Flat above the Salon, Victoria Square, Evercreech, Shepton Mallet, Somerset (Pages 37 - 46)

To consider an application for the change of use to self-contained residential flat.

6 Planning Application 2024/0025/FUL - Grove House, Lubborn Lane, Baltonsborough, Glastonbury, Somerset (Pages 47 - 58)

To consider an application for the demolition of existing outbuildings and erection of a new outbuilding including the change of use of land to residential garden.

7 Planning Application 2023/2193/FUL - Levels House, Wells Road, Bleadney, Somerset (Pages 59 - 68)

To consider an application for the extension of curtilage with the change of use from agricultural land to domestic.

8 Planning Application 2021/1975/OTS - Land at 356804 130886, Castle Cary Road, West Lydford, Somerton, Somerset (Pages 69 - 86)

To consider an application for outline planning permission with all matters reserved except for access for the erection of a dwelling and garage.

9 Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West Horrington, Wells, Somerset (Pages 87 - 104)

To consider an application for the demolition of existing Dutch barn and erection of a new dwelling with associated parking.

10 Planning Application 2023/1275/FUL - Wells Police Station, 18 Glastonbury Road, Wells, Somerset (Pages 105 - 140)

To consider an application for the redevelopment of Wells Police Station to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.

11 Planning Application 2023/1989/FUL - Land At 352279 151941, Townsend, Priddy, Wells, Somerset (Pages 141 - 150)

To consider an application for the change of use from agricultural to siting of a mobile home to provide a temporary accommodation for a rural worker. (Retrospective).

12 Planning Application 2021/2574/ADV - B&Q, Station Approach, Frome, Somerset (Pages 151 - 160)

To consider an application for the installation of 3no. illuminated, 4no. non-illuminated signs & door vinyls.

13 Appeals Report

No decisions made by the Planning Inspectorate between 22nd February 2024 and 20th March 2024.

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

Other Information:

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

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

Exclusion of the Press and Public

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

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

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

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

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

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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



Councillor reminder for declaring interests

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

Non participation in case of Disclosable Pecuniary Interest

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

Disclosure of Other Registerable Interests

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

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

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you **must** disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you **must not** take part in any discussion or vote on the matter and **must not** remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

If your Non-Registrable Interest relates to –

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

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

*1. **Employment:** any employment or office held, or trade, profession or vocation carried on, by you or your partner for profit or gain.

2. **Sponsorship:** any payment or financial benefit towards your election expenses or expenses as a member received within the last 12 months, excluding any from your council.

3. **Contracts:** any current contract between your council and you, or your partner, or any body in which you or your partner are a partner, director, or shareholder.

4. **Land:** any land which is in your Council's area which you or your partner own, have a right to occupy, or receive the income from (excluding a licence to occupy land for less than a month).

5. **Corporate tenancies:** any tenancy between your council and a body in which you or your partner are a partner, director, or shareholder.

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

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

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 5 March 2024 at 2.00 pm

Present:

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

Cllr Dawn Denton	Cllr Martin Dimery
Cllr Susannah Hart	Cllr Bente Height
Cllr Martin Lovell	Cllr Claire Sully

11 Apologies for Absence - Agenda Item 1

9

Apologies for absence were received from Councillors Adam Boyden, Barry Clarke, Helen Kay and Tony Robbins. Councillor Philip Ham substituted for Councillor Clarke and Councillor Shane Collins substituted for Councillor Helen Kay. Councillor Alex Wiltshire was also absent.

12 Minutes from the Previous Meeting - Agenda Item 2

0

The Committee was asked to consider the Minutes of the meeting held on 6 February 2024.

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

12 Declarations of Interest - Agenda Item 3

1

There were none.

12 Public Question Time - Agenda Item 4

2

There were none.

12 Planning Application 2021/2413/FUL - Land At 352613 133868,
3 Baltonsborough Road, Butleigh, Street, Somerset - Agenda Item 5

Erection of 37 no. dwellings (Use Class C3) and a cafe/work hub (Use Class E) with associated access, parking and landscaping (resubmission of 2020/2674/FUL).

The Officer's Report stated that this application proposed a new residential development (major application) outside of settlement limits. The officer recommendation was for approval and, therefore, the application was referred to Planning Committee as a departure from the local plan.

The Report continued that the 11.8-hectare site was land in agricultural use (grade 3b, not best and most versatile) and consisted of a field located on the north-eastern side of the village of Butleigh. The village was identified as a primary village and therefore included a development boundary. The site was outside this boundary and separated from the village by a hall and recreation field. Also noted within the Officer's Report were the following points:

- The proposed development would deliver 37 homes, of which 11 would be affordable.
- It would also deliver 205sqm of café and work hub units and an uplift in biodiversity.
- The site was located in "open countryside" for the purposes of the spatial strategy, an area where development is to be strictly controlled.
- The Council was unable to demonstrate a five-year supply of housing site in the Somerset East area with a shortfall of 1,201 homes against the requirement of 3,414.
- Highways, phosphates, odour and flood risk issues had been addressed through the planning application process.
- There are both benefits and harms to this application, which had been weighed up.

In conclusion, the Planning Officer stated that the overall benefits arising from the proposed development were considered to be significant. This is largely due to the contribution to the overall supply of housing, including both market and affordable housing and accounting for the shortfall in supply that currently exists in the Somerset East area. The benefits from the provision of a large amount of public open space was also considered to be significant. The high-quality design & materials and the economic development and biodiversity benefits have also been factored in.

Overall, the harms arising from the proposed development were considered to be moderate. The 'tilted balance' was engaged which meant that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is despite the fact that the proposed development does not accord with the local plan.

In conclusion, the Officers considered that the adverse impacts were not considered to significantly and demonstrably outweigh the benefits. Therefore, the recommendation was that planning permission should be granted.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. He then gave a verbal update on 4 further planning conditions that were to be added into those in the report pack.

The Committee was then addressed by an objector to the application. She made the following comments:

- The tilted balance is subjective and Members should make their own decision on this.
- The housing numbers within the village have already been met and there are 4 more applications currently outstanding.
- The development is not an organic extension of the village. The edge is clearly defined and this will cause a split within the village.
- 37 more houses would be disproportionate growth.

A representative of Butleigh Parish Council was the next to speak. His comments included:

- The Parish Council opposes the development.
- There are existing planning applications for 32 houses in Sub Road which already takes the number of new homes built in Butleigh well over the amount allocated.
- There is surface water flooding at the site.
- Flooding is an issue for Butleigh residents and some have been flooded 3 times already this winter.
- At peak school hours there are large numbers of vehicles entering the village causing large backups and making the High Street very difficult to negotiate.

The final speaker was a representative of the applicant. He noted the following:

- The scheme would provide much needed housing for the district including 11

affordable homes.

- It is a well-designed and high-quality scheme which will be constructed from local stone with excellent insulation, air source heat pumps and EV charging points.
- The provision of a café will promote walking and foster a good sense of community.
- There will be native hedgerows, trees, flora and fauna.
- The development will safeguard the future of the local school.
- The developers are committed to the S106 contributions.
- All consultees were satisfied and raised no objections.

In the discussion which followed the Legal Advisor began by reminding Members about the tilted balance situation, where due to a lack of housing land supply the National Planning Policy Framework (NPPF) makes it clear that applications should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal. Members then made a number of comments including the following:

- Concerns with the capacity of the sewage system. The pumping station is already at capacity. The local rivers are not in good condition and concerns about sewage overflows. Lack of a response from Wessex Water makes it difficult for the Committee to make a decision.
- The roads into the village are single track. There are few pavements, street lights or public transport. How is it sustainable?
- Concerns with the impact of the warmer, wetter climate and increased flood risk.
- There has been a lot of public objection to the scheme and the Parish Council does not support it.
- There are outstanding planning applications for 32 houses in the village. This seems an unnecessary development.
- Concerns about potential sewage odour.
- Pleased that the proposal includes solar panels, air source heat pumps etc.
- Development in Butleigh seems disproportionately high.
- How will the trees be maintained?
- There should be more single storey homes.
- Concern about the effect of the lighting facing the agricultural land on the local bat population.
- Will a café on site be viable? Concern it may end up a disused building.

In response to queries raised, the Planning Officers advised the following:

- Although the development is outside the settlement boundary, the village has

been identified as a primary settlement and therefore is in a sustainable location.

- Planning Officers do not consider that the additional houses would represent disproportionate growth to the village.
- Wessex Water have not objected due to concerns regarding the sewage. There were initial concerns regarding odour, but following discussions between the applicant and sniff tests, Wessex Water agreed that the modelling supplied by the applicant was correct and would not cause an odour problem.
- No flooding concerns from the Internal Drainage Board.
- Maintenance of the planted trees will be controlled by the S106 agreement and any trees that fail within an agreed time will be replaced.
- An additional condition will be applied to protect the bats.
- The use of the space allocated to the café and workspace will be controlled by the S106 legal agreement.
- Without objections from the statutory consultees, it will be difficult to refuse the application on these grounds.
- Sewage overflows are not a planning consideration. If the developer is granted planning permission, they have the right to connect to the sewage system.

At the conclusion of the debate, it was proposed by Councillor Claire Sully to refuse the application, contrary to the Officer's recommendation for reasons of disproportionate growth, loss of agricultural land and the lack of information on the capacity of the sewage system. This was seconded by Councillor Philip Ham.

On being put to the vote, the proposal received 3 votes in favour, 3 votes against and 4 abstentions. The Chair had the casting vote in which he voted against refusal and the motion was therefore lost.

It was then proposed by Councillor Edric Hobbs and seconded by Councillor Bente Height to approve the application in accordance with the Officer's recommendation with the revised and additional conditions.

On being put to the vote the proposal was carried with 5 votes in favour, 3 against and 2 abstentions.

RESOLVED

That planning application 2021/2413/FUL be **APPROVED** in accordance with the Officer's recommendation with amendments to revise Conditions 4 (Surface Water Drainage) and 16 (Construction Management Plan) and additional Condition 17

regarding access visibility, Condition 18 regarding construction of the access, Condition 19 regarding visibility at the pedestrian access, Condition 20 regarding cycle and storage parking and Condition 21 regarding the lighting scheme for the protection of bats.

Votes – 5 in favour, 3 against and 2 abstentions

**12 Planning Application 2023/2277/HSE - Canada House, Station Road to West
4 Lane, Alhampton, Shepton Mallet, Somerset - Agenda Item 6**

Proposed garage extension to replace existing lean-to car port. Proposed infill rear extension joining workshop to dwelling. New roof over existing workshop and lean-to.

The Officer's Report stated that the applicant was an employee of Somerset Council and, as the recommendation was for approval, the application had been referred to the Planning Committee for probity reasons.

The application sought consent to construct a garage extension replacing the existing lean-to car port to the front elevation of the property and to construct an infill extension (joining workshop to dwelling) to the rear elevation and adding a new roof over existing workshop and lean-to conservatory.

In summary, the Planning Officer stated that the proposal was considered acceptable in visual terms, it did not harm the amenities of the adjoining residential neighbours and the means of access and parking were acceptable to maintain highway safety standards. The recommendation was therefore for approval.

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

There were no speakers registered for this application.

In the brief discussion which followed, it was noted that the Division Member had no issues with the application and that it had only been brought to Planning Committee for probity reasons.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Claire Sully to approve the application in accordance with the Officer's recommendation.

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

RESOLVED

That planning application 2023/2277/HSE be **APPROVED** in accordance with the Officer's recommendation.

Votes – Unanimous in favour

Following the conclusion of this item, the Chair agreed to amend the order the agenda but for ease of reference, the minutes remain in the original agenda number order. The revised order of the agenda items was 12, 13, 10, 11, 15, 7, 8, 9 and 16.

12 Planning Application 2023/2217/HSE - 10 Lewmond Avenue, Wells, Somerset - 5 Agenda Item 7

Two-storey rear extension (retrospective)

The Officer's Report stated that the applicants were relatives of an elected member of Somerset Council and, as the recommendation was for approval, the application had been referred to the Planning Committee for probity reasons.

The Report continued that the application was for retrospective consent for a two-storey extension to the rear of the property. The application form stated that the work had commenced on this extension on 01.11.23.

In summary, the Planning Officer stated that the proposal by reason of its design, siting, scale, massing, layout and materials was acceptable and contributed to the local context and maintained the character and appearance of the surrounding area. Also, it would not cause significant harm to the amenities of any occupiers or adjacent occupiers through overshadowing, overbearing impact, loss of privacy, noise, or other disturbance and was therefore recommended for approval.

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

The Team Leader – Development Management then advised the Committee that 2 local residents had made representations to the Council, but that consultation was ongoing. Therefore, any decision made at the Committee today would be dependent on no new issues being raised from the current consultation process, which was due to expire on 19.03.23.

There were no speakers registered for this application.

Some Members commented that it was regretful that the application was for retrospective planning permission, but it was proposed by Councillor Susannah Hart and seconded by Councillor Shabe Collins to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 7 votes in favour, 2 against and 1 abstention.

RESOLVED

That planning application 2023/2217HSE be **APPROVED** in accordance with the Officer's recommendation, subject to no new issues being raised from the ongoing consultation process (expiring 19.03.2024)

Votes – 7 in favour, 2 against and 1 abstention

12 Planning Application 2023/1679/RE3 - Marston Roundabout, Frome, Somerset **6 - Agenda Item 8**

Erection of advertisement/sponsorship 4no. hoarding signs on roundabout.

Before this agenda item was discussed, Councillor Claire Sully left the meeting.

The Officer's Report stated that the applicant was the Council and that the land on which the proposed signage was to be erected was in the control of the Highway Authority (i.e. the Council). For these reasons and in accordance with the scheme of delegation, the application was referred to Planning Committee for consideration.

The application site comprised a traffic roundabout on Marston Road leading into Frome and permission was being sought to erect of 4 advertisement /sponsorship hoarding signs on roundabout.

In summary, the Planning Officer stated that the proposed signs raised no adverse public safety nor amenity concerns and, therefore, the application was recommended for approval.

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

There were no speakers registered for this application.

Members discussed the visual clutter that the addition of the advertising boards would cause. They considered these would also cause distraction to motorists trying to negotiate the roundabout and, therefore, highway safety was at risk.

At the conclusion of the debate, it was proposed by Councillor Shane Collins and seconded by Councillor Bente Height to refuse the application contrary to the Officer's recommendation due to the impact on visual clutter and highway safety.

On being put to the vote the proposal was carried with 7 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/1679/RE3 be **REFUSED** contrary to the Officer's recommendation due to concerns for public safety for users of the highway and the resulting visual clutter caused by the installation of the signs.

Votes – 7 in favour, 1 against and 1 abstention

- 12 Planning Application 2023/1851/RE3 - Land At 362482 154962, Rush Hill,**
7 Ston Easton, Wells, Somerset - Agenda Item 9

Erection of a single advertisement/sponsorship hoarding signs on the triangle junction between the A37 and A39.

The Officer's Report stated that the applicant was the Council and that the land on which the proposed signage was to be erected was in the control of the Highway Authority (i.e. the Council). For these reasons and in accordance with the scheme of delegation the application was referred to Planning Committee for consideration.

The application site comprised a triangular parcel of land at the junction between the A37 and A39. This application sought permission to erect an advertisement/sponsorship hoarding sign on this parcel of land.

In summary, the Planning Officer stated that the proposed signage raised no adverse public safety nor amenity concerns and therefore the application was recommended for approval.

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

There were no speakers registered for this application.

In the discussion which followed Members noted the following:

- There were no speed cameras at this junction and vehicles including HGVs travelled very fast along the road.
- Advertisements at fast junctions such as this should be avoided as they are a distraction to drivers.
- The visual amenity of the area would be affected as the junction is in a very rural location.

At the conclusion of the debate, it was proposed by Councillor Susannah Hart and seconded by Councillor Edric Hobbs to refuse the application contrary to the Officer's recommendation for highway safety and visual amenity reasons.

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

RESOLVED

That planning application 2023/1851/RE3 be **REFUSED** contrary to the Officer's recommendation due to concerns for public safety for users of the highway and the impact on the visual amenity.

Votes - Unanimous

12 Planning Application 2023/0152/FUL - Cold Harbour Farm, Withy Wood Lane,
8 Cranmore, Shepton Mallet, Somerset - Agenda Item 10

Internal alterations and the conversion of 3 associated outbuildings to ancillary residential use.

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Chair. It related to a Grade II listed farmhouse and the application site consisted of an L-shaped farmhouse, an attached annex/carport building, and ancillary buildings (the barn and stables). The application sought full planning permission for internal alterations and the conversion and alteration of 3 associated outbuildings to ancillary residential use. The Report continued that, during the lifetime of the application, the plans had been amended in light of concerns regarding conservation. Most of these concerns had been addressed in the

amended plans.

In summary, the Planning Officer stated that they considered that the amended proposals were consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would preserve the significance of the listed building, thereby resulting in less than substantial harm to the significance of the designated heritage asset. Therefore, both this, and the Listed Building application 2023/0153/LBC, were recommended for approval.

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

The Committee was then addressed by the planning agent. He said that the Planning Officer had provided a very comprehensive report and he welcomed the recommendations to approve. There was an extant permission for the previous owners which had had officer support and approval and hoped the Committee would also approve.

In the discussion which followed Members noted that there was extant permission. One Member said the roof lights should not be permitted and another was concerned about making alterations to existing walls.

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

On being put to the vote the proposal was carried with 8 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/0152/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 8 in favour, 1 against and 1 abstention

- 12 Planning Application 2023/0153/LBC - Cold Harbour Farm, Withy Wood Lane,
9 Cranmore, Shepton Mallet, Somerset - Agenda Item 11**

Internal alterations and the conversion of 3 associated outbuildings to ancillary residential use.

This application was discussed with the previous agenda item 10, as it was the Listed Building Consent application for the same location.

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

On being put to the vote the proposal was carried with 8 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/0153/LBC be **APPROVED** in accordance with the Officer's recommendation.

Votes – 8 in favour, 1 against and 1 abstention

**13 Planning Application 2023/2304/FUL - Tilham Farm, Tilham Lane,
0 Baltonsborough, Glastonbury, Somerset - Agenda Item 12**

Demolish Barn B and erection of 4 x 1-bed residential dwellings.

The Officer's Report stated that this application was for a new residential development outside of settlement limits. The officer recommendation was for approval and, therefore, in accordance with the scheme of delegation the application was referred to Planning Committee as a departure from the local plan.

The application sought full planning permission to demolish the barn and to erect 4 one-bed dwellings.

In summary, the Planning Officer stated that whilst the site was located outside the settlement limits it had the benefit of an extant approval to form four dwellings under LPA case ref: 2022/1619/PAA. The height, scale and massing of the proposed new dwellings was reflective of the approved scheme. The new build development was considered acceptable and raised no new amenity, highway or ecological impact issues over and above the scheme already approved. The application scheme had not identified any demonstrable harm and, given the fallback position, the proposals were considered to be acceptable as a departure from the development plan. The application was therefore recommended for approval.

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

The Chair then read out a statement from an objector to the application. In it he made the following comments:

- If approved, the site will have developed from a single farmhouse to a hamlet of 8 dwellings in 15 years.
- The proposed access and refuse bin collection point on Ham Street will greatly affect his property.
- The speed and volume of traffic on Ham Street is greater than the alternative access point onto Tilham Street.
- It would make more sense for the domestic waste storage to be at the Tilham Street access point rather than Ham Street as it is much closer to the proposed development.
- The development would cause noise and pollution which would impact the amenity of his property.

Next to speak was the agent. He made the following points:

- The proposal would provide 4 sustainable, low energy dwellings.
- Conversion had been carefully considered but it was felt that a new build would provide greater benefits in terms of energy performance and a lower lifetime carbon footprint.
- The existing steel frame is over-engineered for a single storey building and would be recycled. Renewable timber framing would be used instead.
- As the principle for 4 new dwellings had already been granted, there were no reasons for refusal that could not be addressed by the fallback position.
- Somerset Council Waste Services had raised no concerns.

In the discussion which followed Members noted:

- The application site was outside the development limits.
- Somerset Council Waste Services had recommended a storage area be provided near the roadside on Ham Street to prevent blocking the entrance and visibility to the highway.
- Ham Street is a wider road than Tilham Lane and would be a better access point for the site.

In response to questions raised, the Planning Officer advised that it had been agreed with the applicant that a bin store would be provided at the Ham Street access point.

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

On being put to the vote the proposal was carried with 9 votes in favour and 1 abstention.

RESOLVED

That planning application 2023/2304/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 9 in favour and 1 abstention

13 Planning Application 2023/1884/FUL - Emborough Farm, Roemead Road, 1 Binegar, Radstock, Somerset - Agenda Item 13

Erection of a temporary rural workers dwelling and associated works.

The Officer's Report stated that this application had been referred to the Committee at the request of the Chair. It related to a site located outside the development limits and had existing access onto the highway and was opposite a small industrial estate.

The dwelling would be a 2 bedroomed lodge which would be delivered in two halves. The proposed site would be to the east of the existing hay barn and a patio area and path would be formed next to the lodge to enable ease of access.

In summary, the Planning Officer stated that the proposal would result in an isolated dwelling in an unsustainable location where development is strictly controlled. The need for a rural worker dwelling had not been justified. The adverse impact of an isolated dwelling in an unsustainable location significantly and demonstrably outweighed any benefits and because a need has not been demonstrated, there were no identifiable benefits in planning terms.

Also, that insufficient detail had been provided to satisfy the Council that the proposal provided safe access to the highway or adequate parking and turning. Therefore, the recommendation was to refuse the application.

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

PowerPoint presentation.

The Committee was then addressed by the applicant. He made the following comments:

- Planning Policy DP13 states that applications for temporary accommodation can be supported. The proposed dwelling can easily be dismantled and removed.
- Wants to grow his business but has struggled to find a house with land.
- Has the land but needs to live onsite to look after the animals and poultry.
- There is ample parking space.

In the discussion which followed Members made the following comments:

- A small, local business like this should be supported.
- Visibility splay seems good enough and it would not present highway safety issues.
- There is a demonstrated need for the applicant to be on site to tend to the livestock and poultry.
- It will contribute to the growth of rural economy.
- It is an isolated site, not served by public transport. Living on site will remove the need for twice daily car journeys.
- Living on site will improve security.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Susannah Hart to approve the application contrary to the Officer's recommendation as it was considered that the need for a rural worker to live on site had been demonstrated. Also, Members did not share the concerns for highway safety, as the visibility splays seemed sufficient. Conditions were to be delegated to officers in consultation with the Chair and Vice-Chair, to include an agricultural worker's tie, ensuring that the permission was temporary only for 3 years, the diversion of the public right of way and provision and maintenance and the access, parking, turning arrangements and visibility splays.

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

RESOLVED

That planning application 2023/1884/FUL be **APPROVED** contrary to the Officer's recommendation as it was considered that the functional need for a rural worker to be resident on the site had been demonstrated and that the means of access to and from the public highway that had been created would operate safely in terms of the

visibility that could be achieved for the drivers of vehicles entering and exiting the site. That delegated authority be given to Officers to impose necessary planning conditions, to be agreed in consultation with the Chair and Vice-Chair.

Votes – Unanimous in favour

- 13 Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West
2 Horrington, Wells, Somerset - Agenda Item 14**

Demolition of existing Dutch barn and erection of new dwelling with associated parking (Shadow HRA submitted received 03.01.2024).

This application was withdrawn from the agenda.

- 13 Planning Application 2023/1275/FUL - Wells Police Station, 18 Glastonbury
3 Road, Wells, Somerset - Agenda Item 15**

Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.

The Officer's Report stated that this application had been automatically referred to the Planning Committee because the divisional Member and Wells City Council had objected, and the application was classified as a major application.

The application related to the redevelopment of a former police station. The proposal sought to demolish all buildings on site and construct a 47-unit age restricted retirement flat complex with associated communal facilities, landscaping, vehicular access, and car parking. The development would consist of 31 one-bedroom units and 16 two-bedroom units. It was a re-submission of planning application 2020/2234/FUL which had been approved in April 2023. The design of the new application was almost identical to the approved scheme with the main change being to viability, in particular, a reduction in the off-site affordable housing contribution from approx. £434k to £100k.

The Report continued that the revised viability report, including the methodology and revised inputs, had been heavily scrutinised and subjected to an independent review by Stephen Blake Consultancy Ltd. The viability report concluded that the scheme could not support any financial contribution towards affordable housing (or

any other section 106 financial contributions). As a result of this, the Officers were willing to accept the independent review recommendation to allow a reduced affordable housing contribution. The monies would support other affordable housing schemes in the Somerset East area as and when they were proposed. The contribution, albeit less than the amount agreed under the previous planning permission, was still seen as a significant benefit to the scheme.

In summary, the Planning Officer stated that the planning obligations would comprise of the following:

- £100,000 towards off-site affordable housing.
- £17,484 towards the cost mitigation of the pressures on the local healthcare facility.
- Purchase of 3.36 kg/year phosphate credits (on the basis that occupation of the development is delayed until after the upgrades to the Wells wastewater treatment works have occurred (post December 2024)).

The application was therefore recommended for approval.

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

The Committee was then addressed by the planning agent. She made the following comments:

- Acknowledged the revised application was not an ideal situation.
- Since the original application was approved in 2021, there have been significant cost increases in purchasing off-site phosphate mitigation.
- Significant increase in build costs of around 17%.
- Additional costs relating to building regulation enhancements.
- All combined to affect the viability of the proposal.
- Development will meet the needs of older people in a highly sustainable location.
- Significant social benefits providing residents with a safe and friendly environment.

In the discussion which followed Members were disappointed with the reduction in S106 monies. Many felt the contribution for affordable housing should be earmarked for Wells. The Planning Officer confirmed that it was not possible to specify where it would be spent but that it would be used where most needed in the Somerset East area.

Another concern was the level of car parking provision. Some Members felt that 23 spaces were not enough, as this only equated to 0.49 space per apartment. The Highways Officer advised that car parking provision was in excess of the minimum required for this class of development. The minimum was 1 space per 13 bedrooms. Despite this, Members remained concerned that the provision was inadequate.

The Legal Advisor reminded Members that the previous application had been approved by the Authority and that it was an extant permission. It would be difficult to now refuse the application for new reasons such as car parking and advised that a deferral of the application would be better to enable Planning Officers to speak to the applicant about their concerns.

Planning Officers re-iterated that a full independent viability assessment had been carried out and as a result, Officers were minded to accept the revised affordable housing contribution of £100k. Ultimately, there was a risk that the applicant could appeal a decision and withdraw this offer.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Philip Ham to defer the application for a maximum of 2 months to enable Planning Officers to speak to the applicant about an increase in car parking provision and an increased S106 contribution for off-site affordable housing.

On being put to the vote the proposal was carried with 8 votes in favour, 1 against and 1 abstention.

RESOLVED

That planning application 2023/1275/FUL be **DEFERRED** for a maximum of 2 months to allow further negotiations regarding the level of car parking proposed and the quantum of S106 contributions for off-site affordable housing delivery.

Votes – 8 in favour, 1 against and 1 abstention

13 Planning Appeals Report - Agenda Item 16

4

The report of decisions made by the Planning Inspectorate between 23 January 2024 and 21 February 2024 was noted.

(The meeting ended at 6.15 pm)

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CHAIR

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Application Number	2023/2349/FUL
Case Officer	Kirsty Black
Site	The Flat Above Salon Victoria Square Evercreech Shepton Mallet Somerset
Date Validated	17 January 2024
Applicant/ Organisation	M Phillips
Application Type	Full Application
Proposal	Change of use to self-contained residential flat.
Division	Mendip South Division
Parish	Evercreech Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What three words: ///noticing.forwarded.husky

Referral to Planning Committee

In accordance with the scheme of delegation and in the interest of probity, this application will be presented at the Planning Committee, because the applicant is related to a member of staff at Somerset Council.

Description of Site, Proposal and Constraints:

The application concerns the first floor flat situated above the "Beehive" hair salon, on Victoria Square in Evercreech. The residential studio flat is currently ancillary to the ground floor business use of the property and forms part of a semi-detached, 2-storey end of terrace Victorian property. The building itself comprises natural stone elevations with ashlar coping stones to the parapets and composite slate pitched roofs. It is located opposite the Queen's Road junction, near the Co-operative Convenience Store in the centre of the village of Evercreech. There is no dedicated parking associated with the property. It is sited within the designated Conservation Area and adjoins a Listed Building.

This application seeks consent for the change of use of the first floor studio flat that is currently ancillary to the ground floor commercial unit to one that is an independent, self-contained studio flat. The proposal does not involve any alterations to be carried out to the existing building and residential parking will continue to be on-street.

Consultation/Representation:

Divisional Member: No comments received.

Parish Council: Raise objections to the proposal because more consultees should have been consulted, did not include all nearby residents and due to the lack of parking/highways.

Officer note: In line with the Planning Procedure all adjoining premises were consulted as part of the planning process. As the principal use of residential will not change as a result of the development, no further consultation was considered necessary.

Somerset Council Waste Services: Raise concerns about the storage of waste at the proposed conversion. There appears to be no outside space to store a wheeled bin or recycling containers. Bins and recycling containers must not be stored on the pavement/highway, indeed we have previously removed bins in this area which were stored as such, owing to complaints about it.

Neighbours: No local representations received.

All representations and consultations responses received in respect of the application, if any, have been considered in full. Full details of all consultation responses can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

Planning History:

None

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR Version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

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

- CP1 – Mendip Spatial Strategy
- CP2- Housing
- DP1 - Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP7 - Design and Amenity
- DP9 and DP10 - Highway Safety

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of development

Policy CP1 states that to enable the most sustainable pattern of growth, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is sited within the confines of the Development Limits of Evercreech, defined as a Primary Village.

Policy CP2 states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of an independent, self-contained studio flat would accord with the requirements of CP2 and the strategy for the delivery of housing. The principle of development inside development limits is therefore considered acceptable

Character and Appearance

The flat is set back from the front elevation of the property and is not overtly visible from the public realm. As the proposal does not involve any works being carried out the existing

residential flat, there will be no loss of existing architectural details or materials to the building and the established street scene and local character will be preserved.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area and accords with the policies referred to in the policy section above.

Residential Amenity

The proposal continues the existing residential use of the flat but instead of being ancillary to the ground floor business it will be an independent self-contained flat. The continued residential use of the first floor does not give rise to any additional impact to local residential amenity. It is considered therefore that it accords with the policies referred to in the policy section above.

Conservation Area

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.

The Victorian properties along the High Street form an important part of the Evercreech Conservation Area and make a positive contribution to its character and appearance. The proposed development simply seeks to make an independent self-contained flat without any proposed works and thus it will not affect any views to and from the Conservation Area. Additionally the change from ancillary to independent residential use would not affect the character of the conservation area.

In this case it is considered that no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on the setting of a Listed Building

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposal

is consistent with the aims and requirements of the primary legislation and Planning Policy and guidance. The Retreat is a grade II Listed residential building that adjoins the application site and it is considered that the continued residential use of the first floor above the salon would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Highways

Concern was raised by the Parish Council regarding the availability of parking, Whilst it is acknowledged that there is no dedicated parking associated with the residential flat, that is the case with the existing shop with ancillary flat. The change to an independent flat is not considered to discernibly intensify the parking requirement. Furthermore it is considered that there is sufficient on-street parking available within the local area.

The parking arrangements are acceptable and maintain highway safety standards. The proposal is therefore considered to accord with the policies referred to above.

Refuse Collection

Concern has been raised by the Somerset Council Waste Services over the storage of waste as there appears to be no outside space to store a wheeled bin or recycling containers. They comment that bins and recycling containers must not be stored on the pavement/highway. The applicant confirms that there is existing storage space provided for the wheeled bins and recycling containers for use by the existing flat in the courtyard on site and that this will continue to be the case for the proposed self-contained studio flat. It is therefore considered that there is adequate storage space for refuse and recycling.

Environmental Impact Assessment

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

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

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

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

2. Plans List (Compliance)

This decision relates to the following drawings: EXISTING AND PROPOSED FLOOR PLAN and LOCATION PLAN received 15th of December 2023.

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

Informatives

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

2. Condition Categories

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

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

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

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

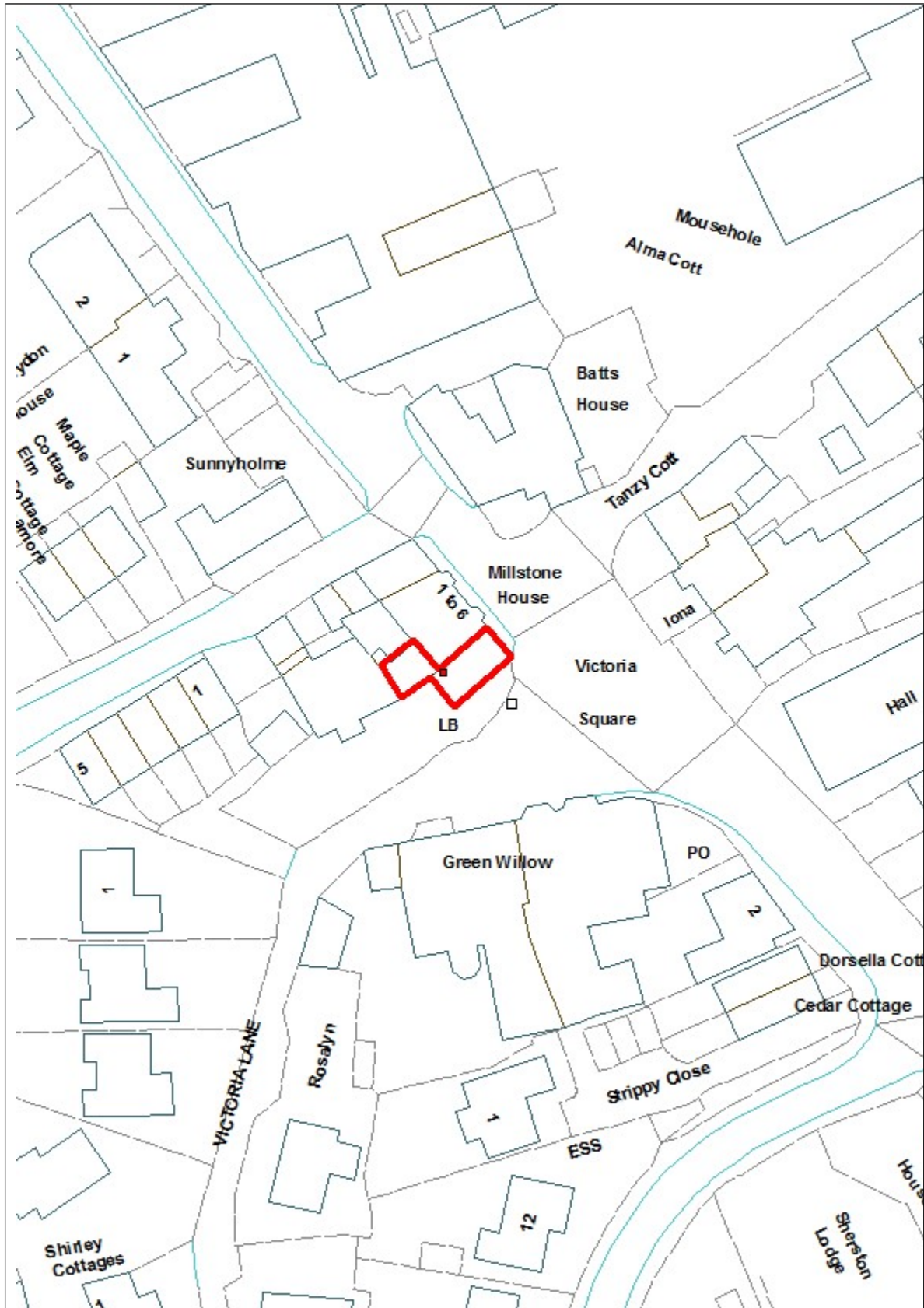
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

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

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Planning Board Report 2nd April 2024
The Flat Above Salon
Victoria Square
Evercreech
Shepton Mallet
Somerset
BA4 6JP

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Application Number	2024/0025/FUL
Case Officer	Kelly Pritchard
Site	Grove House Lubborn Lane Baltonsborough Glastonbury Somerset
Date Validated	8 January 2024
Applicant/	Peto
Organisation	
Application Type	Full Application
Proposal	Demolition of existing outbuildings and erection of new outbuilding including the change of use of land to residential garden. (amended description)
Division	Mendip South Division
Parish	Baltonsborough Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What three words: game.reference.udder

Referral to Planning Committee:

In accordance with the scheme of delegation, this application is being referred to the Planning Committee as a departure to the development plan. The case officer recommendation is to approve with conditions, the Parish Council made no objections, and the Divisional Member did not submit a comment.

Description of Site, Proposal and Constraints:

This application relates to Grove House, which lies to the north of Lubborn Lane, Baltonsborough.

The property is a detached two storey house sited in extensive curtilage in a location on the outskirts of the village. Immediately adjacent to the dwelling on the south side, is a large two storey building which benefits from a certificate of lawful proposed development for the use of the building to provide separate living accommodation with the same single family occupation.

To the north east of the house the land is higher and the house is 'dug' into the land at that end of the building. To the east of the house there are some existing outbuildings.

The site has an existing vehicular access from a 4 unclassified road which is to remain unaltered as part of the development proposed.

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

The application seeks planning permission for the demolition of existing outbuildings to the south east of the house and erection of new outbuilding to the north east of the existing house on land which is currently part of a former orchard/agricultural land in the applicants ownership. As such the proposal includes the extension of the garden into this land as shown by the red line on the outbuilding location plan, drawing reference 1843/001.

The new outbuilding is proposed to be used for ancillary garden and machinery storage and will have a green house at one end. It will be clad in timber with a single brick gable behind the greenhouse on the south wet elevation. It proposes a metal roof with solar PV panels. A new track is also proposed within the site to access the building.

The building will be sunk into the ground slightly but when viewed from its front elevation the ridge height will be approximately 4m.

Planning permission has recently been granted for extension and alteration to the house under reference 2024/0027/FUL.

Relevant History:

085198/001 – Certificate of Lawfulness for the erection of a conservatory and conversion of attached outbuilding to annexe. Approval. 16.06.93

085198/002 – Conversion to form new dwelling. Approval. 07.07.95

085198/003 – Renewal of consent 085198/002 for the conversion of outbuilding to form new dwelling. Approval. 31.03.00

085198/004 – Lawful development certificate for a proposed use of a curtilage building to provide separate living accommodation in the same single family occupation. Permission not required. 03.06.08

2024/0027/FUL – Extension and alteration to existing house. Approval. 06.03.24

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

Divisional Member: No comments received.

Baltonsborough Parish Council: Approval.

Local Representations:

We have received a neutral comment from the neighbouring property (The Long House) and their comments are summarised below;

- The building will be built on agricultural land.
- Concern about the height of the building impacting our view.
- We welcome the suggestion from the applicant that they will be sinking the building into the ground by 1m and screening it with trees, but would prefer the building to be no higher than the existing garden wall with tree screening.

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version, 16 December 2022)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)

- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and within the applicant's ownership, although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for the extension of the existing residential garden, the provision of a track and a new ancillary building which would all be ancillary to an existing dwelling and not for an independent use. As discussed later in this report, the impact of the built development and garden extension is not considered to have a significant impact on the wider landscape or the amenity of the neighbouring property. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

Given the siting and size of the plot it is not considered that the change of use to residential garden will affect the historic grazing use of the remaining field area.

Therefore, although the proposal for the change of use of the land and the erection of a building and track would not have policy support and therefore be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function in association with the existing dwelling.

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

The existing outbuildings to be demolished are a stable style building and open sided log store which are of no particular architectural merit.

The proposed building will sit on land which is higher than the ground floor of the existing house. Due to the sloping topography of the site the building will be sunk into the land which will reduce its overall impact. The existing hedgerows surrounding the site reduce the distant views of it although the hedge on the north west boundary is thinning and has been removed in part. The submitted Design and Access Statement states that this hedge line will be replanted with native species. The internal access track is also considered acceptable and will be read in the context of the dwelling and its associated residential paraphernalia.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014).

Impact on Residential Amenity:

There are neighbouring residential properties to the north east and south west of the dwelling but given the size of the application site and the land between the site and those dwellings, it is considered that the proposal will not have an adverse impact on their amenity.

The comment from the neighbour about views is acknowledged but loss of view is not a material planning consideration.

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 Policy DP7 of the adopted Local Plan Part 1 (2014).

Impact on Ecology:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. However, given the proposal would not result in an increase in households, 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 the

LPA has taken the view that a Habitats Regulations Assessment in this instance is not required.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014).

Assessment of Highway Issues:

The means of access to the highway and parking arrangements will not be impacted by the proposal.

Environmental Impact Assessment:

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

Equalities Act:

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

Planning Balance & Conclusion:

In terms of the proposed change of use on part of an existing field to provide a new ancillary outbuilding and access track and extension of the garden, whilst it is acknowledged that the development will be outside development limits, it will be close to the existing residential property (and will be restricted in terms of its future use). From an assessment point of view, given the scope of the proposals and the extent to which the proposed use of the land is to be controlled, the proposed use is not considered to have a detrimental impact on the adjoining land uses.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

Recommendation

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: 1843/001, 1843/012, 1843/034, 1843/035, 1843/042, 1843/052, 1843/053.

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

3. **Ancillary Use Only (Compliance)**

The development, including the change of use of land hereby approved and shown edge red on the submitted outbuilding location plan (drawing number 1843/001), shall not be used other than purposes ancillary in connection with the residential dwelling referred to as Grove House, Lubborn Lane, Baltonsborough.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials (Compliance)**

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. **Condition Categories**

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

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

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

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

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

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

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

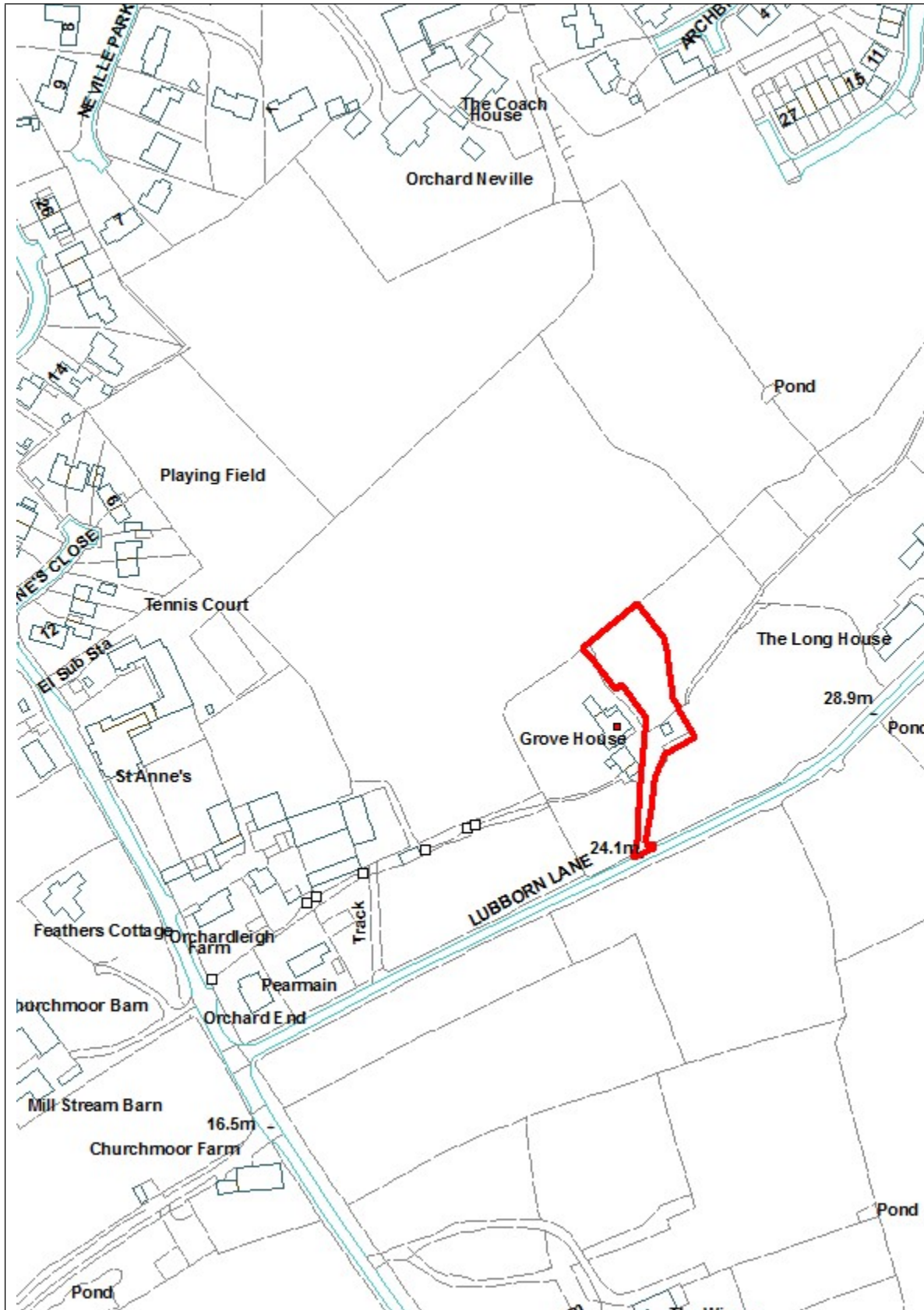
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the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

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure

to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

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

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Planning Board Report 2nd April 2024
Grove House
Lubborn Lane
Baltonsborough
Glastonbury
Somerset
BA6 8QP

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Application Number	2023/2193/FUL
Case Officer	Jennifer Alvis
Site	Levels House Wells Road Bleadney Wells Somerset
Date Validated	19 December 2023
Applicant/	S Harris
Organisation	
Application Type	Full Application
Proposal	Extension of curtilage with the change of use from agricultural land to domestic
Division	Mendip West Division
Parish	Wookey Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What3Words -

Access: [///clockwork.delay.charmingly](#)

Land: [///backfired.trouble.laugh](#)

Ward Member/ Chair and Vice Chair Referral

Referred to the Planning Committee (East) due to the application being a departure from the Local Plan, and the officer recommending approval.

Description of Site, Proposal and Constraints:

The application site relates to a property known as Levels House, Wells Road, Bleadney. The host property is an existing detached dwellinghouse set within a semi-rural area with open agricultural land to the north, residential properties to the east and west, and Wells Road to the south. The site lies outside of any development limits and within the Somerset Levels and Moors Ramsar Risk Area. The last constraint is not relevant for this proposal as no physical development is proposed.

The proposal seeks a change of use on a section of land to the north of the main property from agricultural to residential in order to create a larger residential curtilage.

Relevant History:

054419/012 - Change of use from hotel to residential use only - Approved - March 1989

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

Ward Member: No response

Parish Council: Seeks some further clarification on this application in order to provide comment.

- Why are five sworn affidavits that are nearly 10 years old provided for a full planning application as it is not an application for a certificate of lawfulness
- Draw to the planning officers attention a discrepancy on two of the affidavits which state the area of land in question has been used as a domestic garden since the 'early 1980's'. Yet the planning history shows that permission was not granted for change of use from a hotel to a domestic dwelling until March 1989?

Local Representations: No letters of local representation have been received

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

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

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

The Council's Development Plan comprises:

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

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

- CP1 – Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP4 - Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 - Mendip Landscapes

- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Developments
- DP10 – Parking Standards
- DP23 – Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- House Extension Design Guide

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and, although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for the extension of the existing residential curtilage which would be ancillary to an existing dwelling and not for an independent use. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

In addition, supporting evidence has been provided with the application which demonstrates that the land has been in use as residential curtilage for in excess of 10 continuous years. While this is not an application for a Certificate of Lawfulness, this evidence can still be taken into account when making a determination for a change of use. While the affidavits submitted are dated from 2014 and, as pointed out by the parish council, some contain discrepancies in the dates of the former use, they still provide evidence that the land was in domestic use as residential curtilage for a continuous period from at least 1999-2014, and likely up until the present day.

Therefore, although the proposal for the change of use would not have policy support, and would be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function in association with the existing dwelling.

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

The area of land has been used as domestic curtilage for a number of years without impacting on the rural character of the area. In addition, the land is largely used as a

tennis court which doesn't involve the construction of any tall structures which could impact on the landscape.

Given the above, it's considered that the proposal won't result in a significant detrimental impact on the character of the area and therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on Residential Amenity:

Given the limited building works proposed within the application, it's not considered the proposal would have a detrimental impact on neighbouring residential amenity.

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

Highway Safety:

No alterations to the existing parking and access arrangements are proposed and as such the proposal maintains highway safety in accordance with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Environmental Impact Assessment:

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

Equalities Act:

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

Planning Balance & Conclusion:

In terms of the change of use on part of an existing agricultural field, whilst it is acknowledged that the development will be outside development limits, it will abut an existing residential property (and will be restricted in terms of its future use). In addition, the change of use is retrospective and evidence has been provided which demonstrates that the land has been in use in its current form for in excess of 10 continuous years, and as such the use would be considered lawful.

On this basis the application scheme is considered to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

From a procedural point of view if the recommendation is agreed the application will need to be advertised as a departure, and subject to no comments being raised that raise further considerations the decision notice confirming approval can then be issued.

Recommendation

Approval

Conditions

1. Retrospective Permission (Compliance)

Notwithstanding the time limit given to implement planning permissions prescribed by Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004), this permission, being a retrospective permission as prescribed by Section 63 of the 1990 Act, shall have been deemed to have been implemented on 19 December 2023

2. Plans List (Compliance)

This decision relates to the following drawings: Existing Block Plan, 5986W-01
Location Plan

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

3. Ancillary Use Only (Compliance)

The change of use hereby approved shall not be used other than in connection with the residential dwelling referred to as Levels House and as shown on the location plan hereby submitted and approved.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in

accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. **Condition Categories**

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

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

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

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

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

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

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

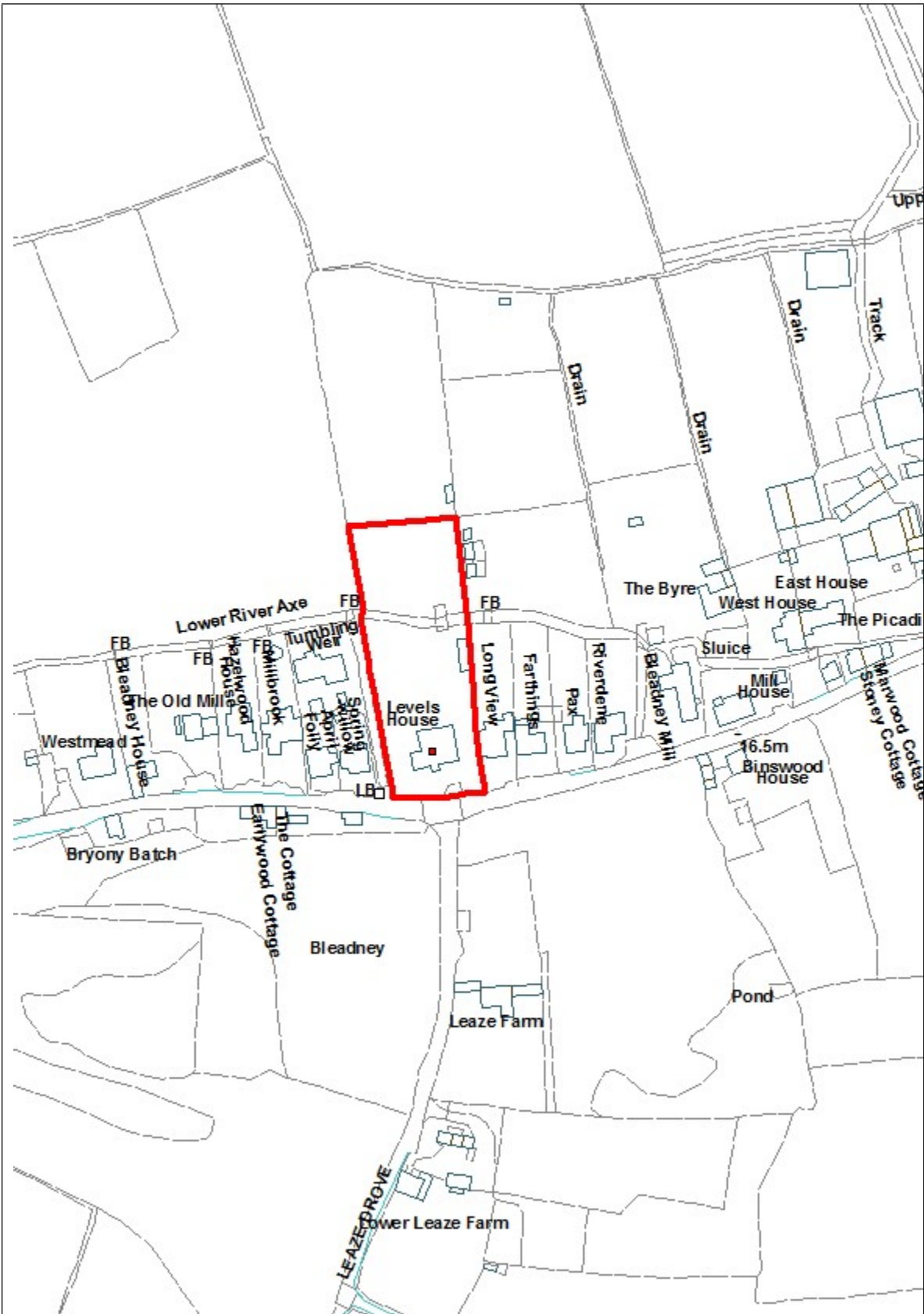
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the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

2. 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.

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Planning Board Report 2nd April 2024
Levels House
Wells Road
Bleadney
Wells
Somerset
BA5 1PF

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Application Number	2021/1975/OTS
Case Officer	Carlton Langford
Site	Land At 356804 130886 Castle Cary Road West Lydford Somerton Somerset
Date Validated	7 October 2021
Applicant/ Organisation	W R Berry
Application Type	Outline - Some Matters Reserved
Proposal	Outline application with all matters reserved except for access for the erection of dwelling and garage
Division	Mendip South Division
Parish	Lydford-On-Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What3Words: riskiest.type.balanced

Referral to Planning Committee:

The application proposes a new residential property outside of settlement limits. The officer recommendation is for approval, and therefore in accordance with the scheme of delegation this application is referred to Planning Committee as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application site is situated within the open countryside to the north of the B3153 on the outskirts of Lydford on Fosse and is within the Somerset Levels and Moors Phosphate Catchment area and the land supports a Public Right of Way.

The site lies to the north of Greystones, the applicant's dwellinghouse, and comprises of a generally flat site that has a gravelled driveway onto the B3153. The driveway leads to a parking area and detached garage building. There is a further storage building and farm building on the northern boundary. The application site is landscaped and used as domestic garden to Greystones and has done for at least 25 years.

This application seeks outline planning permission with all matters reserved except for access for the erection of dwellinghouse and garage.

Relevant History:

No planning history.

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

Ward Member: No response

Parish Council: Support.

Drainage Engineer: Object based on the lack of surfacewater drainage details.

Tree Officer: Object based on there being no tree survey or proposed tree protection.

Highways Development Officer: Standing advice.

Right of Way: No objections

Environmental Protection: No objections save for the inclusion of a condition to control construction hours.

Natural England: No objection subject to securing phosphate mitigation.

Ecologist: No objections subject to the imposition of conditions to secure appropriate phosphate mitigation in the form of P-Credits and the inclusion of standard wildlife and wildlife habitat conditions to secure protection, mitigation and enhancements.

Local Representations: One letter of support received.

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Somerset Parking Strategy

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

- CP1 – Mendip Spatial Strategy
- CP4 – Sustainable rural communities.
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Assets
- DP4 – Mendip Landscapes
- DP5 – Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport
- DP10 – Parking
- DP23 – Flooding

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

The ‘Lydfords’ both East and West are designated as a Secondary Village within the Local Plan but Lydford on Fosse where the application site is located has no settlement limit and therefore designated as the Countryside.

As the site is located in the countryside, the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things,

seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies DP12, 13, and 22), which do not apply in this case.

The Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies.

Whilst it is appreciated that the site is within a Habitat protected area (Somerset Levels and Moors Habitat Risk Area) where a 'presumption in favour of sustainable development' does not automatically apply, the report below confirms that though mitigation there would be no adverse impact on this protected habitat and therefore no clear reason for refusing the development as per paragraph 11d (i).

However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Although Lydford on Foss is not a village identified in the adopted Local Plan as a sustainable location for growth there is a reasonable range of local facilities including a public house, a convenience store, petrol filling station, a children's day nursery and access to public transport. Although it cannot be considered that the application site is a truly sustainable location, the aforementioned services and facilities means that future occupiers along with the existing residents would have access to some services without having to rely on private vehicular travel. These aspects and others of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

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

The application site already has a domesticated appearance being the landscaped garden of Greystones, including having an existing driveway and gravelled parking area next the garage building. The site also has a built up, albeit relatively low-key, presence by virtue of the existing storage building and agricultural barn both of which are to be demolished.

Notwithstanding the presence of a field either side of the application site the distances to the neighbours to the east and west are small because these neighbouring parcels of land are narrow. There is a continuous line of houses on the opposite side of the B3153 too which gives the sense that the application site is 'within' the built-up envelope of Lydford on Fosse and this ensures that the proposed development would not materially elongate

the village into the countryside in a harmful manner and would read more as a logical infill plot.

Whilst the proposal is for outline permission only with the scale, appearance, layout and landscaping being reserved for further consideration, the intention is to have a single storey low key development of only one dwellinghouse and this is indicated on the indicative plans submitted. It is not envisaged that the proposal would change the character of the application site to such a degree to have an unacceptably adverse impact on the character and appearance of the surrounding landscape.

A single storey dwelling in this location, in lieu of the existing barn and store, and served by an existing access within the established garden plot, would not appear isolated nor out-of-context with its surroundings. As such it would not result in the significant degradation of the landscape and therefore would not meet the high threshold necessary to conflict with Policy DP4 of the Local Plan.

Impact on the Listed Building:

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 201 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 200-210 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

There is a single Listed Building situated across the road from the application site known as Barberry but marked as 'Perrotts' on OS mapping. The building is Grade II Listed, is an early 19th century house.

The heritage significance of Barberry is primarily derived from the architectural and historic interest of its physical fabric, and the evidential and historic value which it embodies, as an example of an 19th century domestic building.

The proposed development site being separated by the highway from the Listed Building together with the screening effects of the existing hedgerow vegetation is unlikely to harm the setting of Barberrry. The modest scale of development proposed and separation together with few overall visual changes to the character or appearance of the site within the landscape nor street scene brought by the proposal will cause no harm to the setting of the Listed Building.

As such, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

Impact on Residential Amenity:

Notwithstanding the outline nature of this application, a dwelling is capable of being accommodated within the site in a location that is sufficiently far from any of the nearest neighbours to ensure that the development would not result in an unacceptable loss of amenity in terms of loss of light, overbearing or loss of outlook.

End users of the dwelling would be afforded a satisfactory living environment with a generously proportioned garden and a high degree of privacy.

It is very likely that a reserved matters scheme could be brought forward which would safeguard amenity for existing and future residents in the locality in accordance with Policy DP7 of the LP.

Impact on Ecology:

The application site lies within the surface water catchment of the Somerset Levels and Moors which is an area containing internationally important wildlife sites designated under the RAMSAR convention. Natural England (NE) have written to the District Council to say that the protected wildlife sites are in unfavourable condition because of the effects of eutrophication caused by excessive phosphates entering into watercourses, via wastewater effluent.

Before determining any planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA), proceeding to an Appropriate Assessment which must rule out any reasonable doubt of the likelihood of an adverse impact on the integrity of the protected wildlife sites. This requirement extends to all new housing developments, including those

connected to mains drainage systems where the effluent is treated by Wessex Water at their wastewater treatment works (such as here).

The applicant has commissioned a Phosphate Mitigation Strategy (by Water Design Engineers) which sets out the phosphate 'budget' for the proposed development. Whilst the Strategy identifies three main options to achieve phosphate neutrality, the applicant has settled on P-Credits which are now available.

The Council's Ecologist 'competent authority' has accepted the P-Credits as an acceptable solution to mitigate an adverse impact on the integrity of the protected wildlife sites which is also been agreed by Natural England. A condition will need to be imposed to ensure the P-Credits are purchased prior to the first occupation of the dwellinghouse.

The Council's Ecologist has also suggested the imposition of standard conditions to protect, mitigate and enhance biodiversity on site.

The proposal accords with Policies DP5 and DP6 of the LP.

Assessment of Highway Issues:

The proposal will utilise an existing access which is satisfactory in terms of highway safety and adequate off-street parking and turning has been demonstrated in accordance with Policies DP9 and DP10 of the LP.

Whilst Greystones will lose the use of off-street parking, it retains an existing access and off-street parking of its own adequate to serve the dwelling.

Refuse Collection:

Ample space on site to store waste and recycling bins.

Environmental Impact Assessment

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

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different

people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Other matters:

Whilst there has been an object from the Council's Drainage Engineer regarding the lack of information available to determine the impacts of the development on surface water, it is considered that as the replacement building (dwellinghouse) is unlikely to be having any additional impacts on surface water drainage over or above those currently made by the buildings on site, which are to be demolished and therefore, a suitable surface water drainage scheme can be secured through condition.

Whilst the Tree and Landscape Officer objects for the reason that the application is not accompanied by a tree survey, there are no notable or significant trees which will be lost to the development as shown on the indicative plans. To safeguard existing trees and/or ensure suitable replacement planting on the site, a pre-commencement landscaping condition is thought necessary along with the requirement for a tree protection plan.

Conclusion and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Notwithstanding the site being within a protected area (Somerset Levels and Moors Habitat Risk Area), the report confirms that there will be no adverse impacts on this habitat which might result in refusal. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal would include a contribution of one new dwellinghouse, which would make only a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would, however, have economic benefits for the duration of the construction phase and thereafter for local facilities to include a public house, a convenience store, petrol filling station and possibly a children's day nursery.

The amount of weight given to these benefits has been limited by the fact that the proposal would be in an unsustainable location alongside a small settlement. However as

set out in the technical assessment in this report no demonstrable harm has been identified. The proposal is adjacent to the existing built extent of the settlement, with dwellings immediately opposite the site and either side of the site, albeit separated by other agricultural land. As such, it would appear as a logical small extension or even infill to the village and would be seen against the backdrop of existing houses from many vantage points. It would not appear as an incongruous 'bolt-on' and/or visually remote from the settlement.

The site is also in easy access to public transport routes which again aids the site's sustainable location.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

Recommendation

Approval

Conditions

1. 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 drawings:

PL4380/1A, 2, 3A and 4.

Habitat Regulations Assessment for Application ref: 2021/1975/OTS Prepared by David Hiscox, Hackworthy Ltd.

Ecological Appraisal Report (Nov 2023)

PHOSPHATE MITIGATION STRATEGY (Water Design Engineers 27/07/2021)

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

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

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

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

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

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

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

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

No development shall commence, other than those required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

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

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

Reason: To ensure that trees to be retained are not adversely affected by the development proposals in accordance with Policy DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

8. P-Credits - Purchase and Delivery (Pre-occupation)

Prior to the first occupation of the dwelling hereby approved -

(i) Evidence shall be provided which demonstrates that a sufficient number of credits has been purchased by the applicant from an approved (approved meaning by Natural England) Nutrient Credit Bank concerning application 2021/1975/OTS, which illustrates that the number of credits is sufficient to mitigate the nutrient budget totalling to 0.58kg/yr. and

(ii) Evidence showing the implementation and delivery of Hillcrest Farm cessation of dairy units, and the continuity of the removal of no less than 0.58 kg/year of phosphorous resultant from the proposed development.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5 and DP6 of the Mendip Local Plan as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (September 2023).

9. **Non-native species protocol (Pre-commencement)**

Prior to the commencement of development other than the containment, control and removal works required by this condition, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Cotoneaster on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Cotoneaster is included within this schedule. All Cotoneaster waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. This is a condition precedent because the non-native species requires containment, control and removal prior to works commencing on site. Therefore these details need to be agreed and implemented before work commences.

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

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

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Wildlife Protection (Compliance)**

No removal of vegetation or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings

commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **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).

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

All ecological measures and/or works shall be carried out in accordance with the details contained in '5.4 Opportunities for Ecological Enhancement', within the report titled 'Preliminary Ecological Appraisal Report Nov 2023' prior to the occupation of the development.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018 and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,

(c) surfacing materials (including roadways, drives, patios and paths) and

(d) any retained planting.

(e) a detailed programme of implementation

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

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

15. **Construction Hours (Compliance)**

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

Mon - Fri 08.00 - 18.00

Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

Reason: 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).

Informatives

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

2. **Condition Categories**

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

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

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

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

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

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

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

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

3. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
4. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
5. 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.

6. 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.
7. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
8. The developer is reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes greater than 200 mm in diameter must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.



Planning Board Report 2nd April 2024
Land At 356804 130886
Castle Cary Road
West Lydford
Somerton
Somerset

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Application Number	2020/1287/FUL
Case Officer	Simon Trafford
Site	Cheese Yard Peace Close Lane West Horrington Wells Somerset
Date Validated	13 July 2020
Applicant/	M Pullin
Organisation	The Cheeseyard Ltd
Application Type	Full Application
Proposal	Demolition of existing Dutch barn and erection of new dwelling with associated parking.
Division	Mendip Hills Division
Parish	St Cuthbert Out Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

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

The application proposes a new residential property outside of settlement limits. The officer recommendation is for approval, and therefore in accordance with the scheme of delegation this application is referred to Planning Committee as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application relates to land within a site known as Cheese Yard, Peace Close Lane, West Horrington. The site is outside of any development limits and within the Mendip Hills AONB, but within the well-established curtilage of the Cheese Yard and the built form of the village of West Horrington. The site lies within the Somerset Levels & Moors RAMSAR catchment area.

The site was formerly part of Middle Farm, but many of the buildings have now been converted to residential (north and west) or commercial uses. The former farm workshop building to the south is currently used for office (Class B1a) and warehousing (Class B8) and there is a cafe/tea rooms (A3) to the south-west, next to the site entrance.

The application seeks full planning permission for the demolition of an existing Dutch Barn, and the development of a new 4 bedroom detached dwelling. The new house which has accommodation over two floors would be set with landscaped garden area with on plot

parking. Access would be as existing.

The assessment of this application has been delayed due to the on-going phosphates issue. A solution involving the acquisition of P credits is proposed to redress this matter.

Relevant History:

2019/0520/FUL - Replacement of existing Dutch barn with new storage building (Use Class B8). Approved June 2019. The storage building was not constructed and the planning permission has now lapsed.

Unit 1 Cheese Farm: 2016/3056/FUL - Change of use from B1 offices to A3 cafe/tea rooms. Approved with Conditions 25.04.2017

Cheese Farm: 2012/0246 - Conversion and extension of barn and outbuilding to create dwelling and ancillary garaging and store (amendment to an earlier consent). Approved with Conditions 13.08.2012

Various other older applications for conversion of barns to dwellings are recorded for wider site area to the application site

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

Parish Member: No comment.

Parish Council: Recommend approval although some concerns expressed about potential light pollution from the roof lights and its impact on the Mendip Hills AONB.

County Ecologist:: The application site lies within Band B of the Bat Consultation Zone for the North Somerset and Mendip Bats SAC which is designated for its horseshoe bat features. However, the proposed development is unlikely to have an effect on horseshoe bats and therefore I do not propose to carry out a Habitats Regulations Assessment for the application. However, given that light averse horseshoe bats are present in the vicinity of the proposed development the following condition will be required:

1) Prior to construction above damp proof course level, a "lighting design for bats" 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 specifications and locations set

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

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

Judging from aerial photographs shrubs or tree will require removal to facilitate the proposed dwelling. The following condition will be required:

2) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy DP5 of the Mendip Local Plan

Update Comments received on 13th February 2023.

Somerset Levels and Moors Ramsar and Special Protection Area

The applicant has undertaken a Shadow Habitats Regulation Assessment (sHRA) report. The proposals comprises the erection of one dwelling which would be connected to mains sewerage (Wells Waste Water Treatment Works) which drains into the catchments of the River Brue, which subsequently discharges into the hydrological catchment of the Somerset Levels and Moors European Site. The applicant has provided a Nutrient Assessment which relies on the purchase of phosphorus credits from Yew Tree Farm Phosphorus Credits Scheme. The submitted Nutrient Assessment demonstrates that wastewater production and land use change arising from the proposed development will generate an additional 0.1 kg of phosphorus (TP) per year (including a 20% buffer) after December 2024 (Post AMP7). The NNAMS proposes to mitigate for the additional phosphorus by purchasing 0.1 of Nutrient Credits from Yew Tree Farm Phosphorus Credits Scheme (each credit equvalating to mitigate 1kgTP/yr). Evidence of a transactional agreement/purchase between the applicant and Yew Tree Farm Phosphorus Credits Scheme to purchase 0.1 of Nutrient Credits has also been provided within the submitted NNAMS.

Subject to the following conditions no objections are raised:

SES recommend the following to be secured by condition or S106 as appropriate:

- 1) Evidence demonstrating that a sufficient number of credits has been purchased by the applicant from an approved (approved meaning by Natural England) Nutrient Credit Bank concerning application 2020/1287/FUL which illustrates that the number of credits is sufficient to mitigate the nutrient budget totalling to 0.1kg/p/yr.
- 2) Evidence demonstrating no occupation until AMP7 upgrades to the Wells WwTW occur (January 2025).

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5 and DP6 of the Mendip Local Plan as well the National Planning Policy Framework (December 2023).

As long as the above is implemented as worded, SES have no further comments to make on matters relating to impacts on the Somerset Levels and Moors Ramsar and Special Protection Area.

Natural England: Comments provided to confirm that Natural England accepts the nutrient budget for the scheme and the proposed approach to delivering phosphorus mitigation. On this basis Natural England agrees with the submitted sHRA.

Highways Development Officer: No specific comments provided.

Environmental Protection: No objection subject to conditions.

Land Drainage Engineer: No objection subject to conditions.

Local Representations: Two letters of support stating that the new dwelling will be in keeping with area and welcoming new housing in the village. One letter of objection raising concerns about light pollution.

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

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

The Council's Development Plan comprises:

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

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 – Bats Protection
- DP7 - Design and Amenity
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP20 - Reuse of Employment Sites
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

The village of West Horrington is not identified within the development plan as either a primary or secondary village. However, the village does benefit from a school, cafe and access to Bath & Wells on the 173 bus service. The village does not have a settlement boundary, so by definition is classed as being within the open countryside. Under core policy CP1, development is strictly controlled to prevent sporadic development. The policy seeks to focus development in the major towns and villages. Policy CP2 sets out where new housing should be located. .

Policy CP4 sets out some exceptions where new residential development in rural locations may be acceptable. This includes rural affordable housing where there is evidence of local need

and
accommodation for occupational dwellings to support rural based enterprises. The
application
does not meet these criteria and therefore conflicts with Policy CP4.

The Council cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1 and CP2) do not carry full weight in the decision-making process. Therefore, whilst regard should be given to the policies in the Local Plan, the ‘presumption in favour of sustainable development’ as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Although the site is within a countryside location in policy terms, it is not considered to be an isolated site, located, adjacent to other residential and commercial uses, and is therefore not considered to be in a wholly unsustainable location remote from services or facilities as referred above.

Therefore, with the site not being isolated nor wholly unsustainable, the ‘tilted balance’ is applied, and planning permission should only be refused where there a clear relevant development plan policies which would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. This aspect of the proposal will be assessed below, and all of the factors weighed in the balance at the end of this report.

Employment Protection

Policy DP20 seeks to protect land or buildings previously or currently used or currently allocated for uses falling with Use Classes B1, B2 and B8. The existing Dutch barn on the site which would be demolished was previously used for agricultural purposes but in recent years has been used for low key storage. The B8 storage building approved in 2019 has not been built so therefore the proposal does not result in the loss of B1, B2 or B8 uses. The proposal therefore complies with Policy DP20.

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

The proposed new dwelling is considered modest in form and scale with dormers within the roof space to accommodate a second storey. It has been designed to reflect the character and scale of the existing traditional barn conversions that adjoin the site. The proposed materials are random rubble stone with ashlar heads and cills and a slate roof. These materials are typical of the surrounding vernacular of the AONB. The existing Dutch barn is in a dilapidated state and therefore it is considered that the proposed dwelling will enhance the appearance of the surrounding area. The proposal is therefore considered to have a positive impact on the character of the surrounding AONB in contrast to the existing building.

The site is visually well contained within the former farmyard and within the village, being tucked behind a large storage building. The development will not encroach beyond the built-up area of the village and will not extend into open countryside. Whilst concerns have been raised about light pollution, the roof windows (3 proposed) are modest in scale. Any light spillage will be seen within the context of the surrounding buildings. It is therefore considered that the dwelling will not adversely affect the setting of the surrounding AONB.

In summary, the proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area and would not adversely affect the natural beauty of the landscape of the designated AONB. The proposal accords with Policy DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The nearest residential occupiers are at Poppy Bank to the north and Dairy Barn to the west. There will be no first floor windows overlooking Poppy Bank with the exception of 2 small roof windows. There will be no inter visibility between the windows of the new dwelling and Dairy Barn. The new dwelling will replace an existing open barn which is unsightly, and its replacement with a permanent building of solid construction which will improve the outlook of neighbouring occupiers. It would also not be noticeably closer to any nearby residential properties. The existing storage building to the south is sited closer to Dairy Barn than the proposed dwelling.

Given the overall design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted

Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The site lies in Band B of the Bat Consultation Zone for the North Somerset & Mendip SAC. The County Ecologist as suggested a couple of conditions requiring a lighting design for horseshoe bats and the prevention of hedgerow/tree/shrub removal between March and August.

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

A shadow Habitat Regulations Assessment (sHRA) and a Nutrient Neutrality Assessment and Mitigation Strategy (NNMAS) have been submitted by the applicant demonstrating the development can achieve nutrient neutrality. This can be achieved through on the purchase of P credits. Credits have been agreed at the Manor Farm site, which has agreement from the Local Planning Authority (please refer to SES comments above). Credits can now be secured by conditions, which are recommended accordingly. As the nutrient calculations rely on planned upgrade works to the Wessex Water treatment works (AMP7 improvements) a condition is required to restrict occupation until the water treatment works completed. The shadow Habitat Regulations Assessment as submitted which has been recommended for adoption is sufficient to demonstrate that the LPA has appropriately discharged its legislative duties in this respect. Finally in this regard the permission will not be issued until Natural England have submitted their comments regards the appropriate assessment

Natural England accepts the nutrient budget for the scheme and the proposed approach to delivering phosphorus mitigation. On this basis Natural England agrees with the submitted sHRA.. Taking all of the above into consideration, including the suite of controls as set out in the recommended conditions sufficient information has been submitted to confirm that the proposal would not result in an unacceptable increase in phosphate levels within the foul water discharge and not affect the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such passes Regulation 63 of the Habitat Regulations 2017. On this basis it is therefore considered that the proposed development accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework

Assessment of Highway Issues:

The existing access onto Peace Close Lane is to be utilised. Parking for 4 cars and satisfactory turning space will be provided. The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and part 4 of the National Planning Policy Framework.

Flood Risk and Drainage

The site lies within flood zone 1 – low risk. The proposal would result in an increased hardstanding area. A condition is sought to require the agreement of an alternative method of surface water drainage if infiltration testing and soakaway design is unable to meet Building Regulations.

Environmental Impact Assessment

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

Equalities Act

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

Conclusion and Planning Balance:

Paragraph 11 of the NPPF sets out that decisions should apply a presumption in favour of sustainable development and that, under criterion d) where the policies which are most important for determining applications for new housing and which are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Given the lack of a five-year housing land supply, paragraph 11 d) of the Framework is engaged.

The benefits of the proposal, a single dwellinghouse, would make a very modest contribution to assisting the Council's shortage of housing land within the District as a

whole. The proposal would have some economic benefits for the duration of the construction. However the amount of weight given to these benefits is however limited given the conflict with policies CP1 and CP2.

In summary as set out in the technical assessment of the application scheme, no demonstrable harm has been identified in terms of the usual planning controls of design, amenity, highway safety and impact on the AONB. The proposed siting for the proposed dwelling would be behind a large barn which largely screens it from the road. As such, the site could not be described as forming part of open land and/or isolated from other development. Furthermore the application site is within conceivable walking distance of a primary school and public transport links to Well, therefore meaning that any future occupiers will not wholly reliant on the private car.

In the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval is on balance considered justified.

Recommendation

Approval

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: PL4296 /D1revAPROPOSED LOCATION PLAN PL4296 /D2 EXISTING BLOCK PLAN PL4296 /D3 PROPOSED BLOCK PLAN PL4296 /D4 PROPOSED DWELLING FLOOR PLANS PL4296 /D5 PROPOSED ELEVATIONS

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

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding

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

4. **External Lighting (Bespoke Trigger)** Prior to construction above damp proof course level, a "lighting design for bats" 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 specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of Bats and in accordance with policy DP5 of the Mendip Local Plan.

5. **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).

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

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

7. **Construction Management Plan (Pre-commencement)** The development hereby approved shall not commence until a Demolition, Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- o Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
 - o Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted.
 - o The parking of vehicles of site operatives and visitors;
 - o Loading and unloading of plant and materials;
 - o Storage of plant and materials used in constructing the development;
 - o Prevention of nuisance caused by radios, alarms, PA systems or raised voices
 - o Delivery and construction working hours.
 - o the parking of vehicles of site operatives and visitors;
 - o wheel washing facilities;
 - o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

8. **Parking Area (Pre-occupation)** The dwelling hereby approved shall not be occupied until the parking spaces shown on drawing PL4296 /D3 have been laid out in accordance with the approved plans and made available for the parking of vehicles. The parking spaces shall thereafter be retained for the parking of vehicles associated with the dwelling and for no other purpose.

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

9. **Phosphate Credits (Pre Commencement)** The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area

upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development (1kg total phosphorous), thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

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

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

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

Informatives

1. **Condition Categories**

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

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

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

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

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

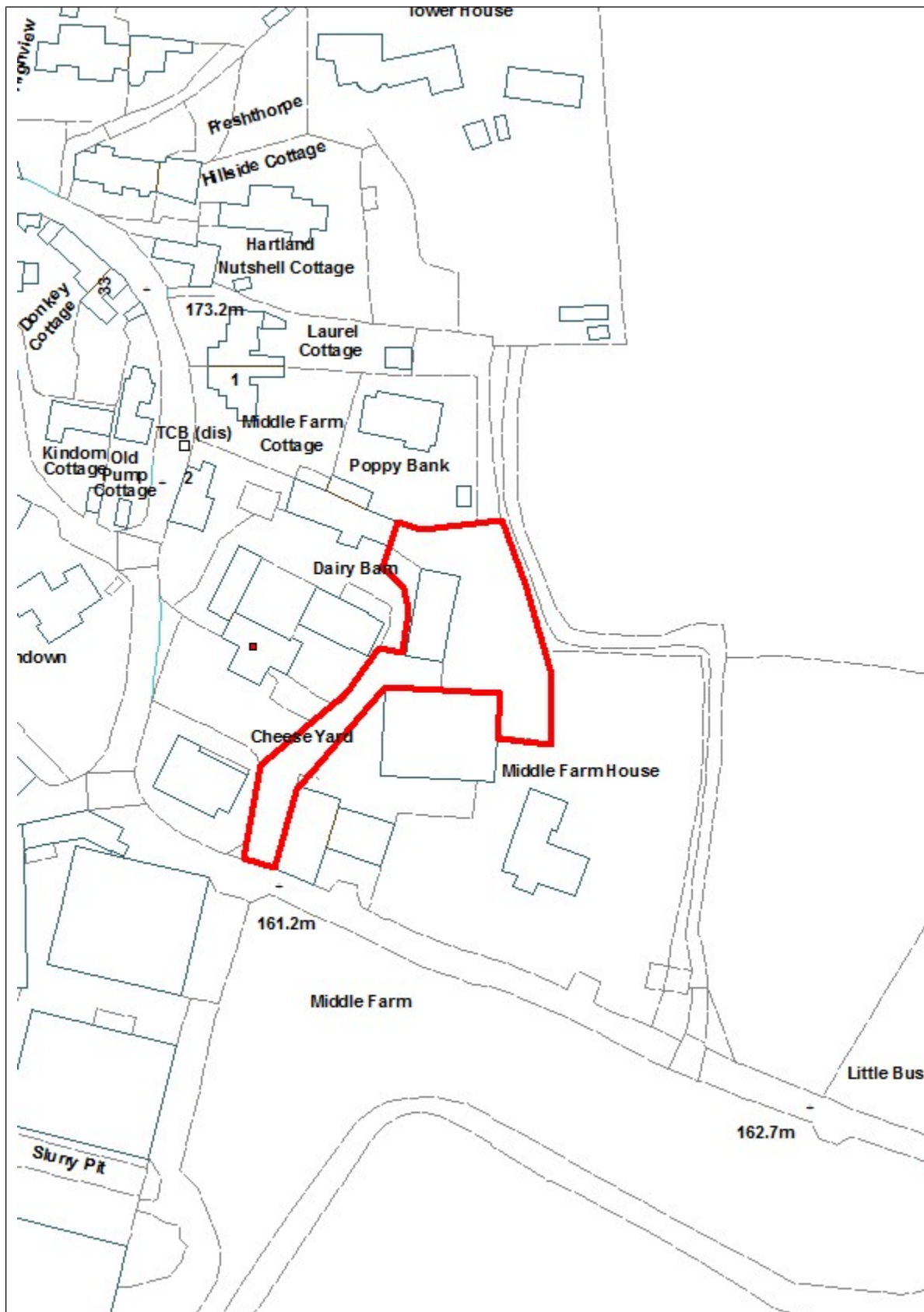
Please note all conditions should be read fully as these headings are intended as a guide only.

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee. 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. 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.

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Planning Board Report 2nd April 2024
Cheese Yard
Peace Close Lane
West Horrington
Wells
Somerset

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Application Number	2023/1275/FUL
Case Officer	Anna Jotcham
Site	Wells Police Station 18 Glastonbury Road Wells Somerset
Date Validated	5 July 2023
Applicant/ Organisation	Churchill Retirement Living
Application Type	Full Application
Proposal	Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.
Division	Wells Division
Parish	Wells City Council
Recommendation	Approval
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

WHAT 3 WORDS

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

///delays.cascaded.asleep

SCHEME OF DELEGATION

The application is referred back to the Planning Committee following consideration at the March meeting.

UPDATE

The application was considered by the Somerset East Planning Committee on 6 March 2024. Members deferred making a decision on the application to allow the applicant an opportunity to address the issues raised, including the amount of affordable housing contributions and lack of parking provision.

RESPONSE TO DEFERRAL DECISION

AFFORDABLE HOUSING CONTRIBUTIONS

Following the Planning Committee meeting, the applicant has agreed to offer an additional £100,000 towards affordable housing, making the overall offer £200,000 with £17,484 towards NHS contributions locally.

This is a commercially expedient offer on the basis of achieving a local level of consent and would need to be reassessed should the cost and delay of a planning appeal arise.

PARKING PROVISION

The applicant has also reviewed the on-site parking provision. There is no space to the rear of the site for further parking due to the constraints of the Wessex Water vehicle needing to reach the existing pumping station and being able to turn. The site levels at the front of the site make it very difficult to provide an access road around the front of the building. However, an additional space is now proposed on the front area to the west of the entrance.

This extra space increases the parking ratio to 0.51 spaces per apartment. An accompanying letter from the applicant (dated 12 March 2024) provides that the evidence based average demand for parking at this type of development is 0.28 spaces per apartment. Examples of the parking ratio at other similar sites are also provided, with ratios ranging from 0.29 – 0.48 spaces per apartment. The proposed ratio of 0.51 spaces per apartment is higher than all of these.

The parking being proposed is free and unallocated, which differs to other retirement living providers who sell their parking spaces. The applicant (Churchill) maintains and manages their lodges so if there were insufficient parking spaces, this would impact sales of the units and cause concerns with residents. It would therefore not be in the applicant's interest to do this.

An amended site plan showing the additional parking space (ref: 10108WL-PA01-H) has been submitted and tracking drawings confirm a refuse vehicle and fire tender can still turn on site. Given the scale of the proposed change, the Highways Authority has not been re-consulted in this instance. As per their previous advice received, there are no specific standards in the Somerset Parking Strategy for this type of development use. As such, the proposed level of parking is deemed reasonable and appropriate to the operational needs of the development under policy DP10 (Parking Standards).

UPDATE CONCLUSION

The changes that have been made to the application proposal since consideration by the Planning Committee at the March meeting are set out above. The officer recommendation on the application remains as per the recommendation set out in the original report. The original report, set out below, has been updated to reflect the changes made.

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ORIGINAL REPORT

SITE DESCRIPTION AND PROPOSAL

The application relates to the redevelopment of a former police station. The site falls within the development limit of Wells and is located on the south-western extent of the city to the north of Glastonbury Road (A39). The site is broadly rectangular in shape and 0.39 hectares. The site is predominantly flat but is situated on higher ground above the road, behind a low ashlar stone retaining wall, and gate piers which define the access.

The northern and eastern boundaries of the site comprise Wells Health Centre and a children's day nursery, with the Grade II listed Priory Hospital beyond. The north-western boundary of the site is defined by the sports pitches associated with St. Cuthberts Church of England Junior School. To the west sits a row of terraced houses which along with the police station building define an open grassed space facing Glastonbury Road (A39). New residential development, including a care home has been built to the south of the site on the opposite side of the A39.

The site comprises three brick buildings set back from the roadside including the former police station, associated offices and garage/storage block, surrounded by areas of hardstanding. The police station, a two-storey building with wings to the rear constructed in a buff brown brick and hipped roof, is the largest building on the site and lies at an angle to the road. The associated offices building is smaller in mass although constructed in similar materials.

The application site is outside the Wells Conservation Area but there are several designated heritage assets within the vicinity of the site, including the Grade II listed Priory Hospital (30 metres north-east) and the Grade II listed Gatehouse (90 metres south-west).

The proposal seeks to demolish all buildings on site and construct a 47-unit age-restricted retirement flat complex with associated communal facilities, landscaping, vehicular access, and car parking. The development consists of 31 one-bedroom units and 16 two-bedroom units, each benefiting from its own front door, entrance hall, lounge / dining room, kitchen, bedroom(s) and bathroom. These units share communal facilities including an owners' lounge, guest suit and refuse room.

Access to the site is shared with existing cottages to the south-west. This access will be retained and widened in the current position.

The application is a resubmission of planning application 2020/2234/FUL which was approved on 28 April 2023. Apart from a slightly amended site plan (which omits a drainage sub-station and turns a mobility scooter store 180 degrees) the design remains identical to the approved scheme, with the main change being to viability.

The application is supported by a suite of technical documents including a Planning Statement; Design and Access Statement; Heritage Statement; Ecological Assessments; Bat and Bird Survey; Habitat Regulation Assessment; Nutrient Neutrality and Mitigation Strategy; Affordable Housing Statement; Archaeological Assessment; Drainage Statement; Land Contamination Assessment; Arboricultural Assessment; Transport Statement; Travel Plan; Flood Risk Assessment; Indicative Landscaping Plans; and a Statement of Community Involvement.

During the planning application process, further information has been submitted in respect of drainage.

RECENT PLANNING HISTORY

2020/2234/FUL – Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping (Additional information received 20/12/2022) – APPROVAL – 28.04.2023.

SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR version (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- City of Wells Neighbourhood Plan 2019 – 2029 (February 2024)

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP10 – Wells City Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP5 – Biodiversity and Ecological Networks
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP11 – Affordable Housing
- DP14 – Housing Mix and Type
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)
- Fields in Trust – Guidance for Outdoor Sport and Play (2015)

SUMMARY OF CONSULTATION RESPONSES

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

Wells City Council (WCC) – Objection on grounds of inadequate parking and lack of affordable housing (guided by principles of the Draft Neighbourhood Plan, policy H1). Asks for WCC to be considered for any S106 funds.

Divisional Member (Cllr. Theo Butt Phillip) – Objection on grounds of lack of affordable housing provision (on site or off site).

Environmental Protection – No objection, subject to conditions.

Contaminated Land – No objection, subject to conditions.

Lead Local Flood Authority – No objection, subject to conditions.

Highways – No objection, subject to conditions.

Archaeology – No objection.

Affordable Housing – No objection.

Tree and Woodland Officer – No comments received.

Education – No comments received.

Drainage Board – No comments received.

Ecology – No objection, subject to conditions.

Waste Management Officer – No objection in principle but queries size and location of bin stores.

NHS Somerset – Requests a financial contribution (£17,484) towards the cost mitigation of the pressures on the local healthcare facility should be provided.

[Officer note: Contribution figure amended during the life of the planning application following further review/re-assessment from the NHS on the initial figure].

Natural England – No objection, subject to appropriate planning controls which secure phosphorus mitigation.

Environment Agency – No comments received.

Wessex Water – No objections.

Other representations / third party comments –

1 objection comment received raising concerns about the removal of obligations relating to affordable housing and phosphate neutrality.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT

To enable the most sustainable pattern of growth, policy CP1 (Mendip Spatial Strategy) of the Mendip District Local Plan - Part 1 directs most of the growth identified in policy CP2 (Supporting the Provision of New Housing) towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street).

The application site lies within the development limits of Wells and is on previously developed land. A police station use is sui generis, and as such, the proposal does not fall within the remit of policy DP17 (Safeguarding Community Facilities) or policy DP20 (Reuse of Employment Sites). In any case, the police station has been moved to another location due to the rationalisation of the Force in terms of property management and as such does not represent a loss of police facilities in Wells.

The Local Planning Authority (LPA) has already confirmed the proposal is acceptable, through a decision made under delegated powers on 28 April 2023. The planning committee is asked to remake this decision, considering the additional information put forward on viability, discussed below.

HOUSING MIX

The development consists of 31 one-bedroom units and 16 two-bedroom units which will contribute to the variety of housing needs in the District in line with policy DP14 (Housing Mix and Type).

AFFORDABLE HOUSING & VIABILITY

Since the proposal is for a development of Use Class C3 'retirement living', there is a requirement for affordable housing as set out in policy DP11 (Affordable Housing). In Wells, the policy requires 40% affordable housing, which would equate to 19 affordable units on site.

The previous planning application (2020/2234/FUL) was accompanied by a viability report (Report on Affordable Housing and Viability, dated October 2020) which presented a case for an off-site payment in lieu of on-site affordable housing. On review, it was accepted that the practical management issues affecting the provision of affordable housing within an age-restricted scheme were justifiable, and that registered providers were unlikely to be prepared or willing to operate affordable housing units within this type of housing scheme. As a result, the provision of an off-site affordable housing contribution was considered appropriate and following negotiation an affordable housing contribution of £434,404 was agreed. This was secured in a section 106 agreement (along with a contribution towards health care of £13,596) and the subsequent planning permission was issued on 28 April 2023.

The current application has submitted a revised viability report (Report on Affordable Housing and Viability, dated June 2023) claiming that the financial viability of the scheme has significantly deteriorated from when the LPA and the applicant agreed the total financial contributions, approximately two years earlier in June 2021. The revised viability report, including the methodology and revised inputs, has been heavily scrutinised and subjected to an independent review by Stephen Blake Consultancy Ltd.

The viability report concludes that the scheme cannot support any financial contribution towards affordable housing (or any other section 106 financial contributions). However, this position does not include changes that took place during the intervening period (i.e. the reduction in phosphate mitigation allowance and increase in drainage costs for the additional off-site sewer that Wessex Water require), discussed elsewhere in this report.

Taking the reduced phosphate mitigation costs into account and re-running the financial models overcame the shortfall in profit and generated a potential affordable housing financial contribution of £71,191. However, when the additional cost of resolving the Wessex Water drainage issues at the site are taken into account there is again a shortfall in the required profit position of approximately £54,000.

The process concluded that the latest financial viability assessment results in no financial contributions whatsoever. However, the applicant is conscious that this position would not be viewed favourably by the Planning Committee. As a result, the applicant has offered to make an affordable housing contribution of £200,000 (and a contribution towards health care of c.£18,000). The applicant has made it clear that this is “on the basis of achieving a local level consent and would be clearly reassessed should the cost and delay of a planning appeal arise which would clearly account for the expedient uplift”. *[This paragraph has been revised since the original report was published to reflect the recent changes].*

It should be noted that the updated viability report refers to Vacant Building Credit and confirms that the building is now vacant. If Vacant Building Credit is taken into account when assessing the viability of the scheme, it would strengthen the applicant’s case to reduce any potential affordable housing contributions.

In light of the above, the LPA is willing to accept the independent review recommendation to allow a reduced affordable housing contribution. The monies would support other affordable housing schemes, as and when they are proposed. The contribution, albeit less than the amount agreed under the previous planning permission, is still seen a significant benefit to the scheme.

Subject to a section 106 legal agreement, the development is considered to accord with policy DP11.

DESIGN AND VISUAL IMPACT CONSIDERATIONS

Policy DP1 (Local Identity and Distinctiveness) states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 (Design and Amenity of New Development) states that proposals should be of a scale, mass, form, and layout appropriate to their local context.

The proposal will result in the loss of all buildings on the site. The former police station building is two-storeys high with a hipped roof and lies at an angle to the road. It has considerable mass and bulk and has a certain presence within the streetscene. The associated office building is smaller in mass but is still a prominent feature within the site. The surrounding built development displays a mixture of design, scale and materials. To the east lies the substantial buildings of the Grade II listed Priory Hospital. To the west sits a row of two-storey terraced houses and a large two-storey care home. Opposite the

site the redevelopment of the former Nutricia site includes three-storey dwellings and a two-storey care home (reduced from a previously approved three storey scheme).

The proposal seeks to demolish the existing buildings on the site and replace with an 'L' shaped building three and a half storeys high, where accommodation is tucked into a dormered roof. The proposed building will have a larger mass than the existing buildings it will replace but will follow the existing building lines referencing the orientation of the police station and areas of open space around the building. The set-back position of the building will help reduce the overall perceived mass and bulk of the building in views along the streetscape. The design of the building is simple, with the rear leg of the building, sitting behind the formal front elevation. The proposed materials (brick, render and roof tiles) reflect the palette used locally and are sympathetic to the terrace of housing to the west (nos. 20-26). The massing and scale of the building is broken up by tile hopped pitched roofs and the combination of brick and render walls which also add visual detail. Confirmation of materials can be secured by condition.

In terms of contribution to the public realm, the most important elevation of the building is the south elevation facing Glastonbury Road. The central bay sits at three and a half storeys high with wings either side that drop down to three storeys. The simple, formal and balanced elevation takes its design cue from the police station it will replace. Fenestration follows the window hierarchy, and the existing stone portico is proposed to be reused to create a feature on the road facing elevation. The existing access point and retaining stone wall provide a positive contribution to the surrounding streetscape and are proposed to be retained (i.e. reinstated after the construction process) and widened in the current position.

The proposed layout broadly follows the footprint of the buildings which will be demolished. This respects the open space to the west in front of the terraced houses and provides a suitable set back and landscaping buffer to the designated recreational grounds of St Cuthbert's Junior School to the north.

The proposed landscape design is at a domestic scale to reflect the intended residential use. The existing hedge and trees will be retained on the north-western boundary with proposed orchard trees to enhance the natural screening between the proposed and existing developments. Landscaped amenity areas are provided either side of the rear projection and can be accessed from the building.

Overall, the design, scale, mass, form and layout of the proposed development is acceptable and has regard to the local context. As such, the proposal complies with policies DP1 and DP7.

IMPACT ON HERITAGE ASSETS

Policy DP3 (Heritage Conservation) confirms proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance and setting of the district's heritage assets, whether statutorily or locally identified, especially those elements which contribute to the distinct identify of the area.

The application is supported by a Heritage Statement. This identifies the heritage assets that may be affected by the development and their significance. The site is located approximately 30 metres south-west of the Grade II listed Priory Hospital (also known as the Wells Infirmary) and 90 metres north-east of the Grade II listed Gatehouse.

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Here it is considered that the setting or significance of the Gatehouse will be unaffected by the proposals as the building is not immediately adjacent to the development site and so its immediate context will be unaffected. The site and the listed building share a streetscape, but these are constantly evolving. Any change introduced by redevelopment along Glastonbury Road would reflect the continuing urban development of this area.

The Priory Hospital would suffer partially from a change in the built-form and use of the site. Despite what the Heritage Statement says, inter-visibility between the site and the listed building would to some degree be affected. However, it is agreed that the views identified do not make a significant contribution to the heritage significance of the listed

building. As such, the proposed scheme would not affect the principal components of the designated heritage asset, nor would it result in any adverse impact on the key elements of setting which contribute to its significance. In this sense, the proposal would cause less than substantial harm to the listed building, at the lower end of the spectrum. As advised in the NPPF, this harm must be balanced against the benefits of the proposal. This will be dealt with in the Planning Balance section of this report.

To construct the apartments, the police station will need to be demolished as its retention and adaptation is not practical for the proposed use. The heritage significance of the (unlisted) police station derives from its original purpose and construction. Although the buildings are aesthetically pleasing to the eye, they are not particularly notable buildings in terms of architecture or characteristics of the area. As such, the supporting Heritage Assessment concludes that the existing buildings hold a low heritage significance with some local value. The ashlar stone wall which runs along the southern boundary of the site is a positive feature of the streetscape of Glastonbury Road (A39) and the proposed retention of this feature is therefore welcomed.

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) requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for:

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

The application is supported by a Design and Access Statement which sets out principles for achieving energy efficiency through building design and how this might be applied in the proposed development.

A summary of the measures which will be incorporated into the new development includes:

- Photovoltaics located within the void of the roof (and hidden from view).
- Low energy lighting and movement sensor controls.
- Water saving appliances (e.g. flow restrictors, aerated taps, dual flush low-capacity cisterns, shower cubicles rather than baths).
- Water butts to collect rainwater for gardening use.
- Covered electric mobility scooter parking with charging points.
- 'Home shopping scheme' which allows residents to order food shopping collectively and have it delivered.
- All external lighting powered by photovoltaic fittings.
- Communal refuse room with recycling facilities.

Given the requirements of policy DP7 and the Council's green pledge, a condition is attached to ensure that sufficient measures are designed into the scheme and secured.

ARBORICULTURAL IMPLICATIONS

An Arboricultural Assessment and Method Statement has been submitted with the application. This confirms that no trees will be lost through the proposal, but three off-site trees (on adjacent land) may be affected during the construction activity. Protection of these trees is recommended, and a Tree Protection Plan is included within the submission. Compliance with this can be secured by condition. Details of new tree planting (species, size, location etc.) can be agreed as part of a landscaping scheme. This can also be secured by condition.

The impact of the development to trees is acceptable with the imposition of relevant conditions. The proposal therefore complies with policy DP1 (Local Identify and Distinctiveness).

ECOLOGICAL IMPLICATIONS

The application is supported by the Protected Species Report (dated September 2020) which was submitted with the previous planning application (2020/2234/FUL), and an Update Bat and Bird Survey (dated May 2023). The latter confirms that the habitats are unchanged from those described within the original report, with much of the site comprising hardstanding car park and buildings, with several small shrubs and small amenity grassland gardens.

A shadow Screening Assessment was undertaken in October 2023 which concluded that there will be no likely significant effects to both the North Somerset and Mendip Bats Special Area of Conservation (SAC) and the Mendip Woodland SAC as a result of the

proposed development. No evidence of nesting birds was recorded, however birds such as house sparrow and blue tit could potentially use the structures proposed for demolition. Providing mitigation and enhancement measures are followed, no adverse impacts to bats or nesting birds are predicted.

Somerset Ecology Services (SES) has been consulted on the application and has not raised any ecological concerns, subject to the inclusion of various conditions. Given that the habitats on the site have not changed since the previous planning application was approved it is reasonable to duplicate the conditions on the previous permission, rather than impose new ones. Informatives reminding developers of the legal protection afforded to nesting birds, badgers and their resting places are attached.

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 an 'unfavourable condition' or at risk from the effects of eutrophication caused by excessive phosphates. As such, any new housing development is likely to give rise to additional phosphates within the hydrological catchment. Mitigation is therefore required to ensure that the development achieves nutrient neutrality.

A Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) (dated October 2023) notes that the total phosphate budget for the proposed development is currently 6.73 kg/year, reducing to 3.36 kg/year after the end of 2024 once the upgrades to the wastewater treatment works have been completed. The applicant has agreed to delay occupation of the development until the treatment works have been upgraded (post December 2024). An agreement has been made (and a certificate of allocation provided) to purchase 3.36kg/year of phosphate credits at the strategic mitigation scheme at Yew Tree Farm near Wraxall in Somerset. The mitigation site is in the same catchment as the application site and is used currently as a pig farm. Mitigation is to be provided by the closure and demolition of the on-site pig unit. With the mitigation in place at Yew Tree Farm, the phosphate budget arising from the proposed development would be off-set and therefore there would be no adverse effects on the Somerset Levels and Moors Ramsar site.

Natural England have formally approved the NNAMS and subsequent Shadow Habitats Regulations Assessment (sHRA) prepared on behalf of the applicants. The Council supports this view and adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended). Conditions have been included where appropriate.

HIGHWAY SAFETY

The existing site access is located off Glastonbury Road (A39) and takes the form of a dropped kerb vehicle crossover. Glastonbury Road is approximately 10m wide and is subject to a 30mph speed limit. The proposal seeks to utilise the existing access arrangements. However, as part of the development it is proposed to relocate the left-hand pillar to increase the width at this point (by c.6.5m) to accommodate two-way vehicle movements. Visibility splays of 2.4m x 43m are demonstrated as achievable to the kerblines in both the primary and secondary direction. A dedicated pedestrian access will be provided via an opening in the boundary wall to avoid conflict with incoming and outgoing vehicles.

The Transport Statement provides that the proposed development is likely to result in a decrease in the number of vehicle movements. A police station falls under the sui generis land use category and therefore there are no directly comparable site uses available on the national TRICS database, which is the national standard methodology for assessing trip generation. Baseline figures used in the Transport Statement are based on the 'office' use class instead, selected as the most comparable land use to understand the trip generation of the existing/former use on site. The approach and findings used in the assessment is disputed by a third-party consultee but accepted by the Highways Officer. Overall, it is not anticipated that the proposal will result in a severe impact on the local road network from an operational, capacity or safety perspective.

The proposal will provide 24 car parking spaces for the 47 units which equates to a provision of 0.51 spaces per apartment. Given that there are no specific standards in the Somerset Parking Strategy for this type of development use, this is deemed reasonable and appropriate to the operational needs of the development under policy DP10 (Parking Standards). In terms of cycle parking, the scheme proposes a shared cycle/mobility scooter store in the northern part of the development which can be used by those who may own a bicycle or buggy. Electric vehicle charging facilities will be controlled through the building regulations process. *[This paragraph has been revised since the original report was published to reflect the recent changes].*

The proposed access arrangements allow a refuse vehicle to enter and exit the site in a forward gear and the turning area will allow refuse collection to take place off the highway. As the access route is not suitable for adoption, it is recommended that the applicant / developer engage with the refuse collection service provider to ensure such an arrangement is appropriate.

Overall, it is concluded that the proposed development, as revised, is acceptable in highway terms. Subject to conditions, the proposal complies with policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards).

DRAINAGE AND FLOODING

The site is in Flood Zone 1 but is surrounded by Flood Zone 3, including the main access from the Glastonbury Road. The site is shown to be at very low risk of surface water flooding on the Environment Agency's Long Term Flood Risk Map with low to medium risk along the access road.

A Flood Risk Assessment accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. Whilst the lower edge of the site access is within Flood Zone 3, flood depths remain shallow (less than 200mm) and can facilitate emergency service vehicles. During a flood event the remainder of the site remains above flood levels and provides a safe environment.

The NPPF explains that a sequential test and exception test is required because part of the site falls within Flood Zone 3. Its aim is to steer new development to areas of the lowest risk of flooding. Given that the access arrangements are existing (i.e. part of the former police station access) and that the entirety of the proposed housing units and majority of the access are within Flood Zone 1 a pragmatic approach has been taken. The lack of a sequential test and exception test would not justify a reason for refusal in this instance.

The Environment Agency has been consulted on the application and has not made any comments. Concerns raised by Wessex Water (who coincidentally did not comment on the previous application) have been addressed through amendments to the site layout and through submission of additional information. The site layout changes have omitted a drainage sub-station and turned the proposed mobility scooter store 180 degrees so that the access is on the other side giving sufficient space to the foul pumping station.

The applicant has advised that they will pursue a section 102 of the Water Industry Act and upgrade an existing highway drainage system to Wessex Water sewer adoptable standards. The applicant will then use this system to discharge surface water from the site and have the sewer adopted by Wessex Water. Wessex Water and the Highways Authority have accepted this approach in principle. As such, the applicant has demonstrated that there is a feasible discharge location from the site. The applicant is aware that this may require significant works and time both on and off site. There may also be works required on third

party land or structures, and the Lead Local Flood Authority (LLFA) will expect full details to be submitted.

Overall, it is considered that an appropriate sustainable surface water drainage scheme can be designed, and this can be secured via condition. Subject to an acceptable drainage scheme being designed there will be no increase in flood risk from the development. The proposal accords with policy DP23 (Managing Flood Risk).

IMPACT ON RESIDENTIAL AMENITY

Policy DP7 (Design and Amenity of New Development) advises that new development should protect the amenities of neighbouring occupiers and users and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. Policy DP8 (Environmental Protection) states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

The proposed building is positioned to the centre and north of the site to avoid harmful impact on the amenity on existing neighbouring occupants, as well as future occupants of the development. The proposed 'L-shaped' design and orientation, together with the parking court and amenity garden buffer spaces, results in an acceptable layout that avoids harmful overlooking of nearby existing buildings.

In terms of separation, the western boundary of the proposed building is approximately 11.5 metres away from the gable of the adjacent residential property. However, no windows are in the gable of this property and the separation distance increases as the proposed building returns into the site to a minimum of 18 metres from the closest proposed window. The eastern boundary of the proposed building is approximately 12.5 meters from the neighbouring day nursery. However, the day nursery is a single storey building behind a close board fence with windows that front into the fence. To the north, the end of the proposed building fronts obliquely onto the school playing field and the health centre. There is no direct overlooking of residential gardens or the school playing field, which are both at an angle.

The Environmental Protection Officer has reviewed the submission and not raised any objection subject to a condition securing a Construction Management Plan (CMP). This will control and minimise harm to neighbouring occupiers during the construction process.

Based on the above, Officers are satisfied that the development would protect the amenities of neighbouring occupiers and users and provide an adequate standard of

amenity for the benefit of the proposal's future occupiers. The development therefore complies with the relevant policies (DP7 and DP9).

PUBLIC OPEN SPACE

Policy DP16 (Open Space and Green Infrastructure) requires that proposals for new residential development make provision for public open space based on the National Playing field Association's long-standing standard of 2.4ha of new space per additional 1,000 people.

Based on this standard and an average dwelling occupancy of 2.1 persons per dwelling, this equates to approximately 99 people living on site (2.1 persons x 47 units). This means that the required area of open space based on the proposed population is 0.24ha (2.4ha / 1000 x 99).

'Fields in Trust Guidance for Outdoor Sport and Play' states that developments between 10-200 dwellings require both a LAP (Local Area for Play) and a LEAP (Locally Equipped Area for Play) as well as a contribution towards a MUGA (Multi-Use Games Area).

The application provides amenity gardens within the site which equates to around 0.12ha, which is an under supply against the defined need. However, given the age-restricted nature of the scheme, it is not considered that many occupiers of the proposed development would use public open space in the form of a dedicated LAP, LEAP or MUGA, or put pressure on existing ones in the locality. The proposed amenity gardens, with dedicated patio and outdoor seating options, is considered more appropriate for the target audience.

On balance, given the target age group who will occupy the development, it is not considered appropriate or necessary in this instance to require on-site provision of formal public open space or seek financial remuneration towards it.

HEALTH CARE PROVISION

As set out in policy CP1 (Mendip Spatial Strategy) new development will be expected to contribute to new local infrastructure. NHS Somerset Clinical Commissioning Group (CCG) have commented on the application advising that the combined surgeries of Wells City Practice and Wells Health Centre are already over capacity within their existing footprint. Therefore, it follows that to have a sustainable development in human health terms the whole local healthcare provision will require review.

Taking the above into account the CCG have requested a financial contribution towards the cost mitigation of the pressures on the local healthcare facility. The cost will be £17,484 and this will be secured through a section 106 agreement.

CONTAMINATED LAND

The Ground Investigation report submitted with the application indicates that a former underground diesel storage tank is present on the site. This tank will need to be decommissioned and removed and any contamination associated with the tank will be required to be remediated before development commences. These matters can be secured via conditions.

OTHER MATTERS

The Wells Neighbourhood Plan was 'made' on 16 February 2024. The policies in the plan have been reviewed and do not present any conflict with the proposed development.

PLANNING BALANCE / CONCLUSION

The application is a resubmission of 2020/2234/FUL which remains extant until 28 April 2026. This is a material consideration which carries significant weight in the assessment of the current submission.

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 47 age-restricted dwellings, including a financial contribution towards affordable housing. 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 application proposals 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 47 age-restricted homes to contribute towards the current shortfall across the district as well as a financial contribution towards affordable housing in the district.
- With regards to environmental benefits, the scheme will deliver ecological enhancements and open space across the development area. Sustainable construction methods and technologies will be secured by condition.

Harm to a nearby heritage asset is identified. The Grade II listed Priory Hospital would be affected by a change in the built-form and use of the site, and intervisibility between the site and the listed building would to some degree be affected. However, these are not designated views and do not surmount to the entirety or majority of the hospital's setting. This degree of impact on setting would cause less than substantial harm to the listed building at the lower end of the spectrum.

Considerable importance and weight must be given to the conservation of the heritage asset when carrying out the balancing exercise. When the less than substantial harm to the significance of the hospital is weighed with the public benefits of the proposal, the balance tips in favour of an approval given the high level of public benefits. In reaching this decision, officers have had due regard to the requirements of Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and the provisions of local plan policy DP3 (Heritage Conservation) and Chapter 16 of the NPPF.

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. Wildlife on site can be protected through the attachment of conditions.

There are no highway, flooding or drainage issues which are not capable of being resolved through the attachment of appropriate conditions. The layout and design of the scheme preserves acceptable living conditions for neighbours. A financial contribution towards healthcare provision will help mitigate pressures on the local healthcare facility.

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 the following:

- £200,000 towards off-site affordable housing. *[This bullet point has been revised since the original report was published to reflect the recent changes].*

- £17,484 towards the cost mitigation of the pressures on the local healthcare facility.
- Purchase of 3.36 kg/year phosphate credits (on the basis that occupation of the development is delayed until after the upgrades to the Wells wastewater treatment works have occurred (post December 2024)).

It is regrettable that affordable housing financial contributions are proposed to be reduced from the previous planning application (2020/2234/FUL). However, the applicant has put forward a strong viability case which provides evidence to justify this lesser amount. Having regard to the circumstances in this case the proposal is considered acceptable and permission, subject to conditions, is recommended.

Given the policy requirements and infrastructure needs arising from the development all the above obligations are necessary to make the development acceptable in planning terms. These are directly related to the development and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

ENVIRONMENTAL IMPACT ASSESSMENT

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

EQUALITIES ACT

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

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three

years from the date of this permission.

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

04 Jul 2023 - 10108WL-PA00 - THE LOCATION PLAN
04 Jul 2023 - SU-01 - TOPOGRAPHIC SURVEY
04 Jul 2023 - 10108WL-PA10 - ELEVATION - EXISTING
04 Jul 2023 - A-00-2 REV 1 - BLOCK A GROUND FLOOR PLAN
04 Jul 2023 - A-01-2 REV 1 - BLOCK A FIRST FLOOR PLAN
04 Jul 2023 - B-00-1 REV 1 - BLOCK B GROUND FLOOR PLAN
04 Jul 2023 - C-00-1 - BLOCK C GROUND FLOOR PLAN
13 Mar 2024 - 10108WL-PA01-H - PROPOSED SITE PLAN
04 Jul 2023 - 10108WL-PA02 - PROPOSED GROUND FLOOR PLAN
04 Jul 2023 - 10108WL-PA03 - PROPOSED FIRST FLOOR PLAN
04 Jul 2023 - 10108WL-PA04 - PROPOSED SECOND FLOOR PLAN
04 Jul 2023 - 10108WL-PA05 - PROPOSED THIRD FLOOR PLAN
04 Jul 2023 - 10108WL-PA06 - PROPOSED ROOF PLAN
04 Jul 2023 - 10108WL-PA07 - PROPOSED SOUTH & WEST ELEVATIONS
04 Jul 2023 - 10108WL-PA08 - PROPOSED NORTH & EAST ELEVATIONS
04 Jul 2023 - 10108WL-PA09 - PROPOSED SITE SECTION
04 Jul 2023 - 20028-BT2 - TREE PROTECTION PLAN
13 Mar 2024 - 135.0032.001 - CAR PARK TRACKING
13 Mar 2024 - 135.0032.002 - VISIBILITY SPLAYS
13 Mar 2024 - 135.0032.006 - REFUSE COLLECTION AND PUMPING STATION PLAN

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

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

No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

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

Samples of any of the materials in the submitted schedule shall be made available at the request of the local planning authority.

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

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials - Retaining Wall - Making Good (Compliance)**

All work of making good to the low ashlar stone retaining wall, and gate piers which define the access, shall be finished to match the existing stonework in respect of type, size, colour, pointing, coursing, jointing, profile and texture.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 7 and 22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

Prior to works above ground level, a detailed Sustainability Strategy Statement shall be submitted to and approved in writing by the Local Planning Authority. This shall follow the broad principles for achieving energy efficiency set out in the Design and Access Statement and 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. **Hard and Soft Landscaping (Pre-occupation)**

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

- (a) size, species and positions for new trees and shrubs,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths),

- (d) any retained planting, and
- (e) a detailed programme of implementation.

All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech).

All new shrubs must be high nectar producing to encourage a range of invertebrates to the site, to provide continued foraging for bats. The shrubs must also appeal to night-flying moths which are a key food source for bats. The Royal Horticultural Society guide, "RHS Perfect for Pollinators, www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native.

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

Reason: To ensure the provision of an appropriate landscape setting to the development and provide biodiversity net gain in accordance with Development Policies 1, 3, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014), paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

7. Arboriculture - Compliance with Arb Method Statement (Compliance)

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Assessment and Method Statement (by Barrell Tree Consultancy, dated 14 July 2020) and Tree Protection Plan (drawing nos. 20028-BTS).

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Walkover Survey (Bespoke Trigger)

No removal of vegetation or works to or demolition of the buildings or structures shall take place until a site walkover survey undertaken by a suitably qualified ecologist has taken place to ensure that no species (particularly bats and nesting birds), which could be harmed by the development have moved onto the site since

the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm will need to be submitted to and approved by the local planning authority in writing.

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Biodiversity and Enhancement Plan (Bespoke Trigger)**

No works above ground level shall take place until a Biodiversity Enhancement Plan (BEP) has been submitted to, and approved in writing by, the Local Planning Authority. The content of the BEP shall provide details of where suitable biodiversity enhancement will be situated in the site and shall include the following:

- (i) Bat box (south and/or west elevations).
- (ii) Bird box (east and/or north elevations).
- (iii) Bee brick (south elevation).

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

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

10. **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, the specification of lights to be used and the kelvin outcome (recommended 2,700 - 3,000 degrees Kelvin) 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 Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **AMP7 Improvements (Pre-occupation)**

The development hereby approved shall not be occupied before 1 March 2025, unless otherwise agreed in writing with the Local Planning Authority on production of written evidence that the Asset Management Plan 7 (AMP7) planned upgrades to the Wells Waste Water Treatment Works by Wessex Water to provide additional treatment capacity and improve nutrient capture have been completed and that the increase in phosphorus arising from occupation of the Development will accordingly be no more than 3.36 kg/year.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework (July 2021).

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

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

The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity in accordance with policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) as well as Paragraphs 174 and 180-182 of the National Planning Policy Framework.

13. **Standard Water Usage (Compliance)**

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

Reason: To improve the sustainability of the dwellings in accordance with the policies DP5, DP6, DP8 and DP23 the Mendip District Local Plan Part 1: Strategy &

Policies 2006-2029 (Adopted 2014).and Paragraphs 134, 154 and 180 of the National Planning Policy Framework.

14. **Access, Refuse Collection Point, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, refuse collection point, parking and turning areas have been constructed in accordance with details shown on the approved plans (drawing nos. 135.0032.003-C and 10108WL-PA01-H) . The vehicular access, refuse collection point, parking and turning areas shall thereafter be maintained in that condition, kept clear of obstruction and shall not be used other than for the intended uses in connection with the development hereby permitted.

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

15. **Travel Plan (Compliance)**

The Approved Travel Plan (by Paul Basham Associates, dated May 2021) shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets to the satisfaction of the Local Planning Authority.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Construction Management Plan (Compliance)**

The development hereby approved shall be carried out in accordance with the approved Construction Management Plan, received 29 March 2023.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Development Policies 7, 8 and 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No development, except demolition, shall commence until details of a sustainable

surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such scheme should aim to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by The National Planning Policy Framework (July 2021) and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water, and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policies DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

18. **Surface Water Drainage System (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with Policies DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

19. **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).

20. **Contaminated Land - Remediation Scheme (Pre-commencement)**

No development, except demolition, shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing

unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

21. **Contaminated Land - Verification Report (Pre-occupation)**

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

Reason: In order to ensure that the land is suitable for the intended uses and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

3. Condition Categories

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

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

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

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

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

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

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

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

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 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 examples a plank or sloped end, to allow any animals to escape. In the even that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
6. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. The developer should, therefore, intercept such water and convey it to a suitably sized soakaway on land within their ownership.
7. In relation to discharging condition 'Surface Water Drainage System' the Local Lead Flood Authority (LLFA) will expect to see the following:
 - Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS, such as raingardens / planters illustrated in discussions previously, should be considered as part of a 'SuDS management train' approach to provide resilience within the design.

- Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:

a) Details of design criteria etc. and where relevant, justification of the approach / events / durations used within the calculations.

b) Where relevant, calculations should consider the use of surcharged outfall conditions.

c) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates.

d) Results should be provided as a summary for each return period (as opposed to each individual storm event).

e) Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network.

- Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.

- Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.

- Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.

- With regards to maintenance, the following information will be required:

a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company.

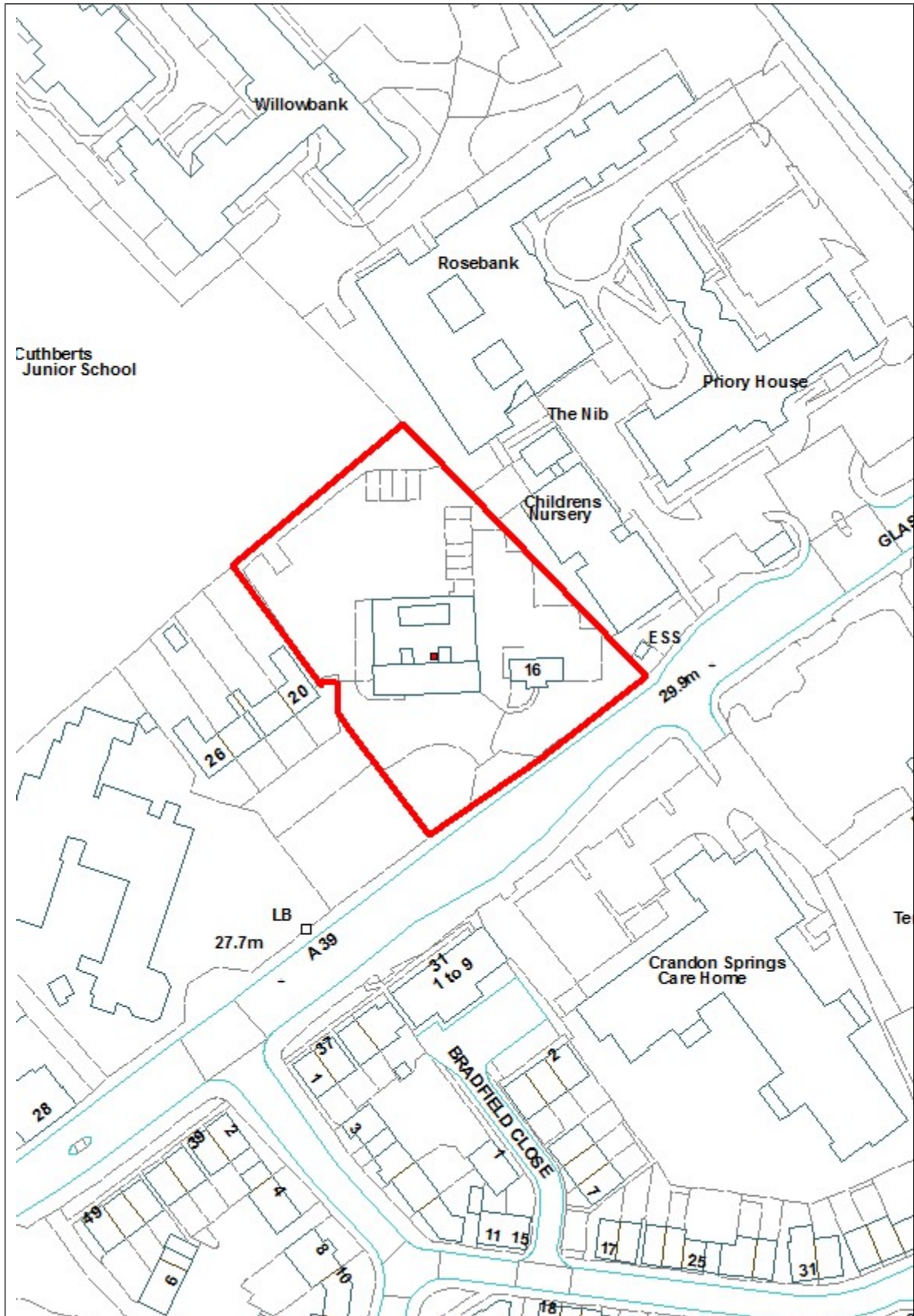
b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

8. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

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Planning Board Report 2nd April 2024
Wells Police Station
18 Glastonbury Road
Wells
Somerset

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Application Number	2023/1989/FUL
Case Officer	Charlotte Rogers
Site	Land At 352279 151941 Townsend Priddy Wells Somerset
Date Validated	16 November 2023
Applicant/ Organisation	L Wedmore
Application Type	Full Application
Proposal	Change of use from agricultural to siting of a mobile home to provide a temporary accommodation for a rural worker. (Retrospective).
Division	Mendip Hills Division
Parish	Priddy Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What three words: ///hurricane.different.chop

Referral to Planning Committee:

This application is referred to Planning Committee, following the outcome of the Chair and Vice Chair referral process. The Chair requested this to enable the applicant to explain why this caravan is needed.

Description of Site, Proposal and Constraints:

The application relates to a mobile home situated on agricultural land to the north of Priddy. The application seeks retrospective planning permission for the temporary siting of the mobile home as an agricultural workers dwelling.

The site is located within the Mendip Hills Area of Outstanding Natural Beauty and outside of define settlement limits.

Relevant History:

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

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

Ward Member: No comments received

Town/Parish Council: No objection – The recent parish survey conducted by Priddy Parish Council identified a lack of affordable accommodation in the parish. For those working in agricultural and rural industries this is a significant problem. The Councils support for this application is based exclusively on the applicants agricultural links. Priddy Parish Council would, however, not wish acceptance of this application to set a precedent for mobile homes to be given automatic approval in the future.

Local Representations: Two letters of support have been received as a result of public consultation

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

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

The Council's Development Plan comprises:

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

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendip's Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP13 – Accommodation for Rural Workers

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)
- Environment Agency Standing Advice

Assessment of relevant issues:

Principle of the Use:

The proposal is for the regularisation of a mobile home that has been situated on the site as a temporary agricultural worker's dwelling.

CP1 states that in order to enable the most sustainable pattern of growth, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street).

In rural areas, new development is tailored to meet local needs and is to be provided within 'primary villages', which are to accommodate most rural development and 'secondary villages', which may accommodate more localised housing, business and service needs.

In villages and hamlets, development may be permitted in line with policy CP4, to meet specifically identified local needs. Development in open countryside will be strictly controlled but may exceptionally be permitted in line with CP4. Rodney Stoke does not have a defined settlement boundary and is not identified as a primary or secondary village.

For the purposes of the spatial strategy, the development site lies in "open countryside", where development is strictly controlled but may exceptionally be permitted in line with policy CP4 (in this context, "open countryside" is a spatial strategy classification term, not a landscape term).

CP4 (Sustaining Rural Communities) states that rural settlements and the wider rural area will be sustained by:

3. 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 set out in Development Policy 13.

Policy DP13 requires that all application provide **clear evidence** to demonstrate that the following criteria have been met:

Proposals for permanent or temporary accommodation outside of defined Development Limits which are necessary to support agriculture, forestry or other rural enterprises will be supported where it can be demonstrated that:

- i) the dwelling and its proposed location are essential to support or sustain the functioning of the enterprise;*
- ii) there is a need for permanent occupation which relates to a full-time worker or one who is primarily employed by the business;*
- iii) all alternative accommodation options have been explored and no satisfactory alternative means of providing accommodation have been identified;*
- iv) the size of the proposed dwelling is commensurate with the established functional requirement for the enterprise;*
- v) the design and siting of the proposal does not conflict with the intentions of Development Policy 5, particularly in relation to Natura 2000 sites and Development Policy 4: Mendip's Landscapes.*

The points of the policy are addressed in turn below:

i) The application states that the dwelling is required in association with lambing and checking the stock. The applicants have purchased 17 breeding ewes which produced 21 lambs and there is an intention to buy calves and birds. There has been no evidence submitted with the application to demonstrate why there needs to be a continuous presence on the site to maintain the ewes and lambs. Projections for possible future calves/birds does not qualify as 'clear evidence' of an essential functional need for a dwelling on the site.

ii) No details of the labour requirements for the enterprise have been provided and as such it has not been demonstrated that the equivalent of one-full time worker is required on site at all times.

iii) The application states there is "no affordable accommodation within this area". No information about the parameters of the search have been provided. This is inadequate evidence to demonstrate that there are no appropriate alternative dwellings available.

iv) The dwelling is a mobile home and includes some associated paraphernalia to be located within the neighbouring agricultural barn. Whilst it is recognised that the mobile home could be removed from the site with little evidence remaining, it has not been clearly demonstrated that a dwelling is required on the site as essential to support or sustain the functioning of the enterprise.

v) This application seeks regularisation for the placement of a mobile home which is to be used in association with the agricultural activities. A mobile home can be removed from the site with minimal evidence of its placement. Furthermore, the mobile home has been positioned adjacent to the existing agricultural barn which reduces the impact of the development. However, without clear justification for the functional need of a dwelling on the site, it is considered that the introduction of a residential property and its associated paraphernalia are out of character within the agricultural context.

It is not considered that the application has demonstrated a clear and essential need for the equivalent of one full-time employee to be on site 24-hours a day. As such, the principle for a dwelling located outside of defined settlement limits, in the open countryside is not considered to have been met.

The financial information submitted provides details of the outgoings for the past year but do not provide any details to assess whether there is a firm intention and ability to develop the enterprise on a sound financial basis. It is recognised that within the Planning Statement the applicant has detailed their intention to introduce calves and birds into the enterprise as well as an aim to build the business over the next 3-5 years. However, there is limited evidence provided with the application to demonstrate how this complies with Policy DP13 of the Mendip District Local Plan Part 1 (2014).

As such, planning permission for a temporary agricultural worker's dwelling on the site, to support the functional requirements of the enterprise, does not meet the criteria set out within Development Policy 13 of the Local Plan and therefore is considered unacceptable in principle because clear evidence has not been provided.

Furthermore, other policies within the NPPF also seek to direct new residential development towards sustainable locations although a number of exceptions are provided for, within paragraph 84, where isolated dwellings in the countryside might be acceptable. However, as the proposal has not demonstrated a case for the use of agricultural workers dwelling, the proposal is not considered to comply with the NPPF.

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

Criteria 1. v) of DP13 states that the design and siting of the proposal should not conflict with the intentions of DP4: Mendip's Landscapes. DP4 states that proposals for development that would individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

In addition, DP1 states that development should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and proposals

should be formulated with an appreciation of the built and natural context. Further to this, decisions should take account of efforts made to minimise negative effects. DP7 states that the 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 proposed mobile home is modest in scale and located adjacent to an existing agricultural barn. The placement of a mobile home on agricultural land is considered to be out of character for the site and results in a clear domestic setting within an area of agriculture. The placement of the mobile home can be dismantled and removed ensuring that the site can be returned to its agricultural character.

Given the proposal is not acceptable in principle in terms of DP13, it is considered that the placement of the mobile home within the agricultural field, and the domestic paraphernalia extending into the existing agricultural barn would result in harm to the character and appearance of the surrounding area including the Area of Outstanding Natural Beauty.

In the absence of adequate justification, as reinforced in DP13, the proposal is considered to be harmful to the character and appearance of the surrounding area and does not maintain or enhance the local identity. Despite the temporary nature of the mobile home, the proposal is contrary to DP1, DP4, DP7 and DP13 of the Mendip District Local Plan Part 1 (2014) and the aims of the National Planning Policy Framework.

Impact on Residential Amenity:

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

Assessment of Highway Issues:

There are no proposed changes to the means of access to the site and to the proposed mobile home. Given the existing agricultural use, it is not considered that the proposed dwelling would result in a significant increase in traffic movements that would be prejudicial to highway safety.

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

Environmental Impact Assessment

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

Equalities Act

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

Recommendation

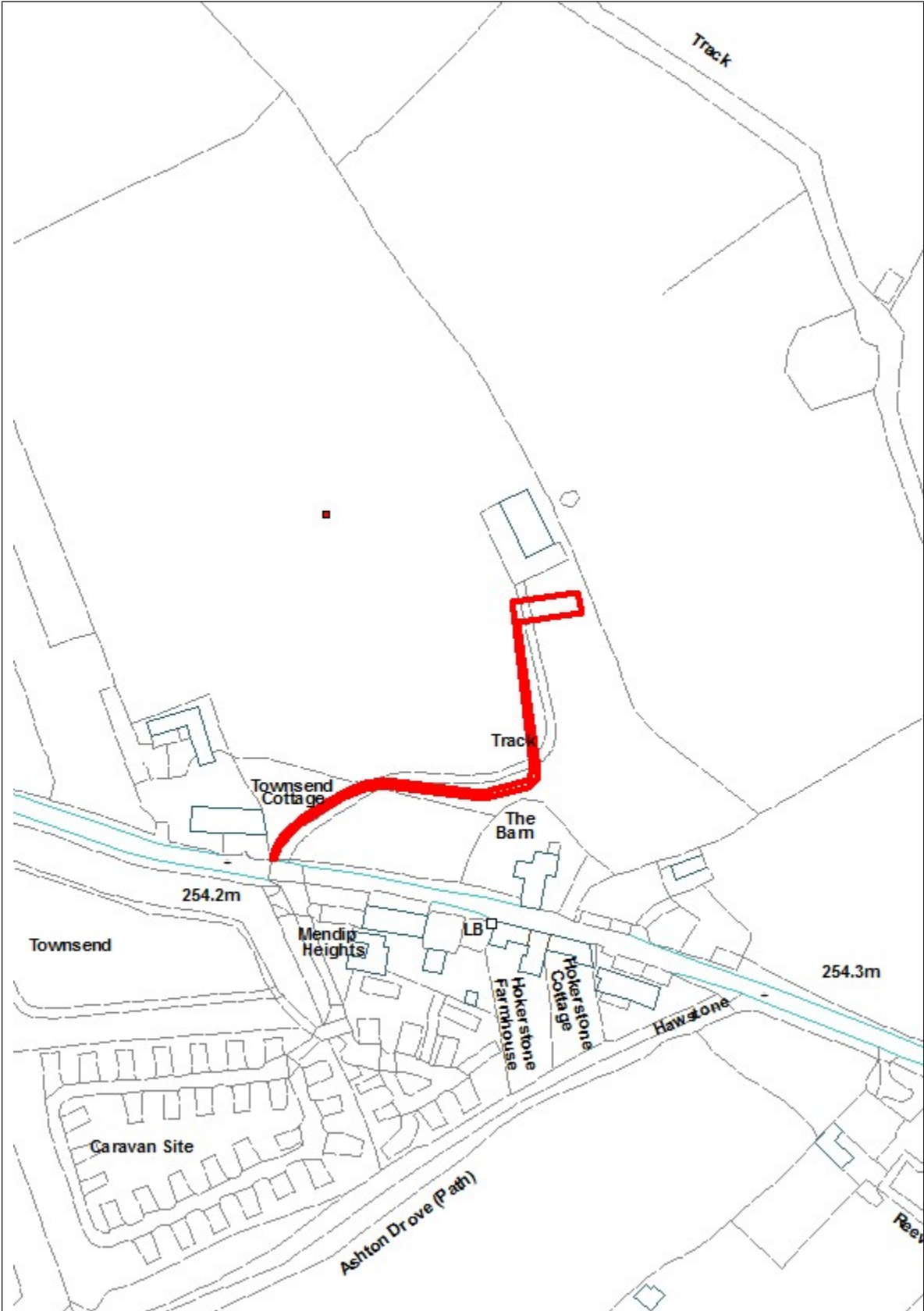
Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The proposal has failed to demonstrate that it complies with the Council's policy for rural workers dwellings by virtue of the issues identified relating to lack of essential need, available alternatives, impact on the landscape, and the profitability of the enterprise. The proposal has failed to meet the test of the National Planning Policy Framework for isolated homes in the countryside. The proposal is not considered to represent sustainable development by virtue of the site's distance and poor accessibility and connectivity to local services and facilities which would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited benefits of bringing forward housing supply and the limited economic benefits do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Core Policies 1, 2, and 4, and Development Policies 1, 4, 7, and 13 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework (with particular regard to paragraphs 88, and 89, and Part 15), and Planning Practice Guidance.

Informatives

1. This decision relates to: 01, 02, 03, 04, 05, 06, Location Plan, Economic Statement , Agricultural Appraisal, Cess Pool Supporting Information, Foul Waste Water Report and Recycling and Waste Management Plan.

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



Planning Board Report 2nd April 2024
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Townsend
Priddy
Wells
Somerset

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Application Number	2021/2574/ADV
Case Officer	Charlotte Rogers
Site	B&Q Station Approach Frome Somerset BA11 1RE
Date Validated	23 November 2021
Applicant/ Organisation	Amis
Application Type	Application to Display Adverts
Proposal	Installation of 3no. illuminated, 4no. non-illuminated signs & door vinyls.
Division	Frome East Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Shane Collins Cllr Helen Kay

What three words: ///loops.beyond.beam

Referral to Planning Committee:

This application is referred to Planning Committee, following the outcome of the Chair and Vice Chair referral process. as the officer's recommendation of approval is contrary to the objections raised by the Town Council and ward members.

Description of Site, Proposal and Constraints:

The application relates to B&Q in Frome located on Station Approach. The application site falls within the defined development limits of Frome and is located in an area with various commercial and residential properties within the surrounding area. The site is located adjacent to the boundary of Frome Conservation Area.

This application seeks permission for the erection of 3no. illuminated signs, 4no. non-illuminated signs and vinyls of the doors to advertise B&Q.

Relevant History:

2021/1346/FUL – Change of Use from Building Merchants (Sui Generis) to Retail (Class E).
Approved 12.08.2021.

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

Ward Members:

Cllr. Kay: The orange illuminated signs are inappropriate in this location given this site abuts a conservation area and there are listed buildings opposite. Although the warehouses in the area already effect the setting of those listed buildings, to put bright orange illuminated signs facing them just adds insult to injury and is a step too far.

Cllr. Collins: I question the need for 3 x internally illuminated signs which it seems will be on 24 hours a day. B&Q signs are already a deep orange colour therefore visually intrusive but I fail to see the need to light them up, especially at night when B&Q is closed so they are not needed and in the day also not needed as it is daylight. It is also a needless use of electricity when we should be cutting down. If the signs were not illuminated I will withdraw my objection.

Town Council: Objection – The two illuminated signs, facing the properties on Portway and facing into Station Approach, will have a detrimental impact on the amenity of the area as they are too big. The Portway sign directly faces residential properties. The illumination should be conditioned so that the signs are not illuminated between the hours of 8.00pm – 8.00am.

Highways Development Officer: Standing Advice Applies

Local Representations: 3 letters of objection have been received raising the following summarised points –

- Harm to the amenity of residential properties
- Concerns on harm to the character and appearance of the nearby Conservation Area
- Harm to the setting of nearby listed buildings
- Proposed development is out of scale and unsympathetic to the area
- Concerns with the illumination on the character of the area and the nearby residential properties
- If granted a condition restricting the hours of illumination to only during the shops opening hours should be applied
- Concerns with light pollution
- Highways safety concerns

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

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

policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (December 2016)

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

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and distinctiveness
- DP3 - Heritage
- DP7 – Design and amenity
- DP9 – Transport

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Advertisements:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (National Planning Policy Framework) make it clear that control of the display of advertisements shall be exercised only in the interests of 'local amenity' and 'public safety'.

Paragraph 141 of the NPPF states *“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impacts”*.

This application seeks permission for the erection of advertisement signage in association with the B&Q retail shop that is currently operating on the site. Three signs are proposed to be internally illuminated and these are identified as sign numbers 1, 8 and 10 on the

'Sign Location Plan' and relevant elevation plans. All other signs are not proposed to have any illuminations.

Concerns have been raised with regard to the impact of the development on the amenity of neighbouring properties, particularly with relation to the light pollution and disruption caused by the illuminated signage. Sign 10 is situated facing towards the railway line and the nearest residential property is approximately 50m away. Sign 1 is located on the front elevation of the shop which is facing toward the other retail properties in the area. The final illuminated sign identified as number 8 is located on the northwest elevation of the building, facing onto the A362 (Wallbridge) where the nearest residential properties are approximately 27m away. It is not considered that the illumination of the advertisement signs will result in harm to the amenity of these nearby residential properties during the operational hours of the business. A condition is recommended to be attached to any permission restricting the hours of illumination to be in line with when the store is open to the public.

Although not located within the Conservation Area, it is recognised that the application site and the development are situated on the boundary of the Conservation Area and that there are Listed Buildings within the vicinity of the site. The proposed advertisements are viewed in conjunction with the previously approved retail use of the building. Furthermore, Station Approach reads as an area of industrial and commercial space and therefore the proposed signage does not look out of context within the surrounding area.

By reason of the design, scale, materials, colours, extent of illumination and number of total signs, the proposed advertisement displays would have an acceptable impact on the visual amenity of the locality.

Given the siting, scale, extent of illumination and height above the highway, the proposed advertisement display would not pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety.

The proposal would therefore comply with saved Policy DP1, DP7 and DP9 of the adopted Local Plan Part 1 (2014) and the aims of the National Planning Policy Framework.

Impact on the Setting of Listed Buildings:

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed

building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Impact on Conservation Area

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 it is considered that, no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Environmental Impact Assessment

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

Equalities Act

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

Recommendation

Approval

Conditions

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

This consent shall expire at the end of a period of five years from the date of this approval.

Reason: This condition is specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

External Signage 1 REV F

External Signage 2 REV F

External Signage 3 REV F

Internal Signage 4 REV F

Sign Location Plan 5 REV F

3. **Standard Advertisement Conditions (Compliance)**

a. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b. No advertisement shall be sited or displayed so as to -

(i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are specified in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. **Advertisements - Illumination switch off (Compliance)**

The illuminated sign hereby approved shall be switched off and shall be non-illuminated when the store is closed to members of the public.

Reason: To protect the visual amenity of the area and the living conditions of nearby residents and in accordance with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Informatives

1. **Condition Categories**

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

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

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

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

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

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

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

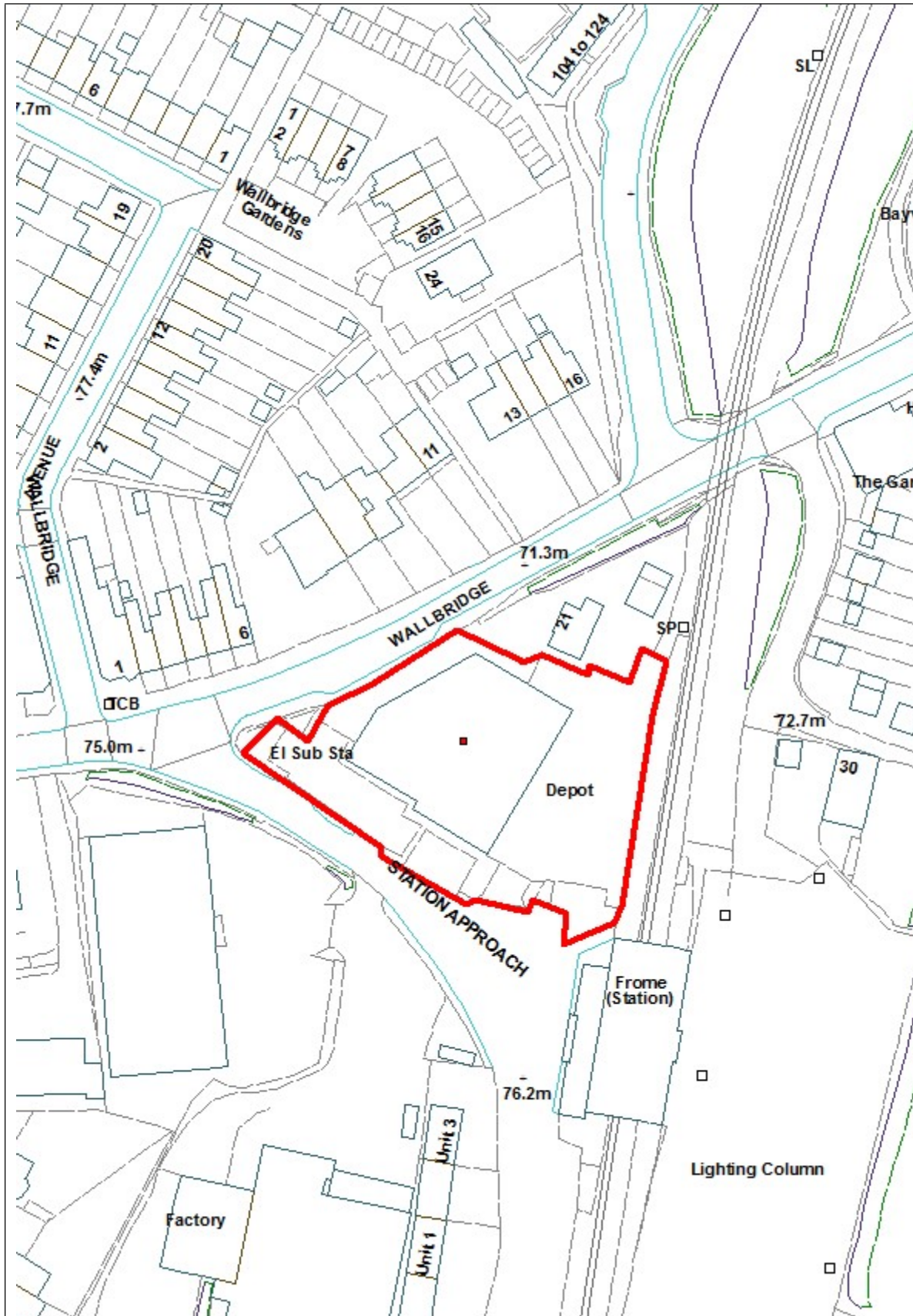
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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. **Adhering to Conditions**

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. **Approval**

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.



Planning Board Report 2nd April 2024
B&Q
Station Approach
Frome
Somerset
BA11 1RE

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