

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 7 May 2024 at 2.00 pm

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

To: The members of the Planning Committee - East

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

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

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

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Wednesday, 1st May 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 25 April 2024.

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 7 May 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 - 32)

To approve the minutes from the previous meeting held on 2 April 2024.

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 1st May 2024.

5 Planning Application 2024/0289/PAA - Field to the South of Cedarwood House, Holcombe Hill, Shepton Mallet (Pages 33 - 42)

To consider an application for the change of use of an agricultural building to a 1no dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). This includes associated operational development.

6 Planning Application 2024/0315/FUL - Land at Underhill Lane, Ston Easton, Wells (Pages 43 - 118)

To consider an application for the demolition of no. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.

7 Planning Application 2023/2088/FUL - The Laurels, Westfield Lane, Draycott (Pages 119 - 150)

To consider an application for the replacement of the existing 21-bed residential care home and adjoining land with a new 49-bed care home together with communal, support and staff spaces and associated works.

8 Planning Application 2023/2183/FUL - Land to the Southeast of Bradford Road, Rode, Frome (Pages 151 - 262)

To consider an application for the construction & operation of a solar photovoltaic farm with battery storage & associated infrastructure, including inverters, security cameras, fencing, access tracks & landscaping.

9 Planning Application 2023/1855/RE3 - Westway Roundabout, Street (Pages 263 - 272)

To consider an application for the erection of advertisement/sponsorship 2no. hoarding signs on roundabout.

10 Planning Application 2022/1028/FUL - Land adjacent to Sunlea, Fosse Way, Kilmersdon, Frome (Pages 273 - 286)

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

11 Planning Application 2022/2509/FUL - Vicarage Lane, Norton St Philip (Pages 287 - 300)

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

12 Planning Application 2023/2451/FUL - Flats 1-4, 1 Saxon Vale, Frome (Pages 301 - 310)

To consider an application for the change of use from four residential flats with C3 use, to C1 (hotel use).

13 Planning Application 2024/0056/FUL - Park Farm, Haydon Drove, Haydon, Wells (Pages 311 - 324)

To consider an application for the conversion of a barn to a single dwelling (part retrospective).

14 Appeal Decisions Report (Pages 325 - 334)

Report of the appeal decisions made by the Planning Inspectorate between 21 March 2024 and 24 April 2024.

Other Information:

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

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

Exclusion of the Press and Public

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

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

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

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

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

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

Although not an exhaustive list, these might include:

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

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

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

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

How do I register to speak at Planning Committee?

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

Can I present information to the Committee?

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

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

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

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

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

Presentation of planning applications

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

The role of Officers during the debate of an application

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

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

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

Recording of the Meeting

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

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



Councillor reminder for declaring interests

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

Non participation in case of Disclosable Pecuniary Interest

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

Disclosure of Other Registerable Interests

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

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

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

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

Where a matter arises at a meeting which affects –

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

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

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

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

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

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

If your Non-Registrable Interest relates to –

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

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

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

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

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

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

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

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

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

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Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 2 April 2024 at 2.00 pm

Present:

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

Cllr Barry Clarke	Cllr Dawn Denton
Cllr Martin Dimery	Cllr Susannah Hart
Cllr Bente Height	Cllr Tony Robbins
Cllr Claire Sully	

13 Apologies for Absence - Agenda Item 1

5

Apologies were received from Councillors Adam Boyden, Helen Kay and Martin Lovell. Councillor Michael Dunk substituted for Councillor Helen Kay and Councillor Tessa Munt substituted for Councillor Adam Boyden.

It was noted that Councillor Alex Wiltshire was no longer a Somerset Councillor and therefore not a Member of the Planning Committee.

13 Minutes from the Previous Meeting - Agenda Item 2

6

The Committee was asked to consider the Minutes of the meeting held on 5 March 2024.

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

13 Declarations of Interest - Agenda Item 3

7

The Legal Advisor explained the rules for Declarations of Interests for close associates. Following this, Councillors Tony Robbins and Bente Height declared a non-registrable interest in Agenda Item 9 - Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West Horrington, Wells, as the applicant was a close

associate. Councillor Robbins, as Divisional Member, said he would speak for his allocated 3 minutes, then leave the room. Councillor Bente Height said she would leave the room at the start of the agenda item.

Regarding the same application, Councillors Tessa Munt, Edric Hobbs and Nick Cottle asked that it be minuted that although they knew him, they did not regard the applicant as a close associate.

Councillor Edric Hobbs declared a non-registrable interest in Agenda Item 11 - Planning Application 2023/1989/FUL - Land At 352279 151941, Townsend, Priddy, Wells, as a close family member lived nearby to the application site. He said he would leave the room at the start of the agenda item.

13 Public Question Time - Agenda Item 4

8

There were none.

13 Planning Application 2023/2349/FUL - The Flat above the Salon, Victoria Square, Evercreech, Shepton Mallet, Somerset - Agenda Item 5

9

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

The Officer's Report stated that as the applicant was related to 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 for a change of use of a first-floor flat studio that was ancillary to a ground floor commercial unit to an independent, self-contained studio flat. The proposal did not involve any alterations to be conducted to the existing building and residential parking would continue to be on-street.

The Parish Council had raised objections to the proposal because more consultees should have been consulted and the consultation had not included all nearby residents. They were also concerned about the lack of parking/highways. The Officers Report stated that, in line with planning procedure, all adjoining premises were consulted as part of the process and as the principal use of residential would not change, no further consultation was considered necessary.

Somerset Council Waste Services had raised concerns about the storage of waste, as there did not appear to be any outside space to store a wheelie bin or recycling containers. They re-iterated that these must not be stored on the pavement or

highway. The Officers Report stated that the applicant had confirmed that there was existing storage space provided for the wheelie bins and recycling containers for use by the existing flat in the courtyard on site and that this would continue to be the case for the proposed self-contained studio flat. It was therefore considered that there was adequate storage space for refuse and recycling.

The recommendation was for approval.

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

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

In the discussion which followed Members discussed the refuse collection and the concerns raised by Somerset Council Waste Services. The Team Leader – Development Management said that there would not be any change to the occupancy of the flat and the application was to remove the ancillary restriction. There would be no effect on the street car parking or refuse collection as it would not change from the existing arrangements. Nevertheless, Members were keen to add an additional condition regarding the placement of refuse on the pavement or highway.

It was proposed by Councillor Claire Sully and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation with an additional condition stipulating that refuse must not be placed on the public highway except on the day of collection.

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

RESOLVED

That planning application 2023/2349/FUL be **APPROVED** in accordance with the Officer's recommendation with an additional condition relating to refuse collection to stipulate that refuse must not be placed on the public highway except on the day of collection.

Votes – Unanimous in favour

- 14** Planning Application 2024/0025/FUL - Grove House, Lubborn Lane,
0 Baltonsborough, Glastonbury, Somerset - Agenda Item 6

Proposed demolition of existing outbuildings and erection of a new

outbuilding including the change of use of land to residential garden.

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

The Report explained that, whilst it was acknowledged that the development would be outside development limits, it would be close to the existing residential property and restricted in terms of its future use. Given the scope of the proposals and the extent to which the proposed use of the land would be controlled, the proposed use was not considered to have a detrimental impact on the adjoining land. Therefore, on this basis, the application scheme was considered to represent a sustainable form of development and it was recommended that planning permission be granted as a departure from the development plan.

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

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

- The existing buildings are unsightly, dilapidated and in a poor location in front of the house, interrupting the view.
- The proposal would provide a new barn in a more suitable location.
- The design of the new barn keeps the ridgeline to a minimum, with sensitive materials and planting to screen the barn.
- There has been no objection from the nearest neighbour and the Parish Council and Planning Officer both support the application.

In the discussion which followed, the proposed solar panels and height of the proposed barn were commended. Members could identify no harm to the environment.

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

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

RESOLVED

That planning application 2024/0025/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – Unanimous in favour

- 14 Planning Application 2023/2193/FUL - Levels House, Wells Road, Bleadney,**
1 Somerset - Agenda Item 7

Extension of curtilage with the change of use from agricultural land to domestic

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

The Report continued that the host property was an existing detached house set within a semi-rural area. The site lay outside of any development limits and within the Somerset Levels and Moors Ramsar risk area. This was not relevant for this proposal as no physical development was proposed. The proposal sought a change of use on a section of land from agricultural to residential in order to create a larger residential curtilage.

In conclusion, the Officer's Report said that although the development would be outside the development limits, it would abut an existing residential property and be restricted in terms of its future use. Although the change of use was retrospective, evidence had been provided which demonstrated that the land had 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 scheme was considered to represent a sustainable form of development and it was recommended for approval as a departure from the development plan.

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

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

In the brief discussion which followed, the Planning Officer confirmed that, apart from benefitting from permitted development rights, future planning applications on the land following the change of use would be subject to the same constraints as other domestic applications.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Dawn Denton 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 2023/2193/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

14 Planning Application 2021/1975/OTS - Land at 356804 130886, Castle Cary 2 Road, West Lydford, Somerton, Somerset - Agenda Item 8

Outline application with all matters reserved except for access for the erection of dwelling and garage

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

The Report continued that the site was situated within the open countryside and within the Somerset Levels and Moors Ramsar Phosphate Catchment area. The site was north of the applicant's dwellinghouse and had been used as domestic garden for at least 25 years.

Given the lack of a five-year housing land supply, the National Planning Policy Framework (NPPF) states that 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. In conclusion the Officers Report stated that in the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval was considered justified.

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. He made the following points:

- The location of the proposed new dwelling is sustainable with amenities and public transport within a few minutes' walk of the site.
- The proposal is for an accessible, single storey dwelling of which there is a lack of this type of property within the region.

- The application site already contains parking, driveway and garaging that serves the owners' current property. This would be retained for use by the new owner of that property.
- A modern farm building on the site would be demolished.
- The parish council and nearest neighbour support the application.

In the discussion which followed Members noted that the Parish Council had robust discussions on planning applications and were supportive of the application. There was an objection from the drainage engineer and tree officer but their concerns could be dealt with at the reserved matters stage. The Planning Officer said there was no expectation that the public Right of Way would be interfered with so there was no need to make any conditions regarding this.

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

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

RESOLVED

That planning application 2021/1975/OTS be **APPROVED** in accordance with the Officer's recommendation.

Votes – 10 votes in favour, 1 against

14 Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West 3 Horrington, Wells, Somerset - Agenda Item 9

Demolition of existing Dutch barn and erection of new dwelling with associated parking.

The Officer's Report stated that the application was for a new residential property outside of settlement limits. As the Officer recommendation was for approval, the application had been referred to Planning Committee as a departure from the development plan.

The Report explained that the application sought full planning permission for the demolition of an existing Dutch Barn, and the development of a new 4-bedroom detached dwelling. The new 2 storey dwelling would be set with a landscaped garden area with on-site parking. The access would be as existing. The assessment of this application had been delayed due to the on-going phosphates issue and a solution involving the acquisition of P credits was proposed to redress this matter.

Given the lack of a five-year housing land supply, the National Planning Policy Framework (NPPF) states that 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.

The Report explained that the benefits of the proposal 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 but the weight given to these benefits was limited. No demonstrable harm had been identified in terms of design, amenity, highway safety and impact on the AONB and 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. Also, the application site is within walking distance of a primary school and public transport links to Wells. In conclusion, in the absence of any specific identified and demonstrable harm and taking into account the limited benefits, the Officer's recommendation was for approval.

Before the Planning Officer explained the application to the Committee, Councillor Bente Height left the room due to her earlier declaration of interest in this agenda item.

The Committee was then addressed by the planning agent. He made the following points:

- There was permission granted in 2019 for a warehouse on this site.
- The applicant was concerned with the amount of additional traffic this would bring to the village and has now applied for permission to demolish the redundant barn to build a new dwelling.
- The proposed dwelling would be lower in height than the previously approved warehouse.
- The design and materials would complement the adjacent properties and would be of natural stone and slate.
- Although some concern was identified by the parish council regarding the proposed rooflights, other buildings in the area included rooflights.
- The site was in a sustainable location with a primary school and bus service within walking distance.

As the Divisional Member, Councillor Tony Robbins spoke first and recommended that the Committee approve the scheme. He then left the room due to his earlier declaration of interest in the application.

In the discussion which followed Members expressed concerns regarding the light spillage from the rooflights and asked if a condition could be added to address this. The Team Leader – Development Management advised that imposition of conditions should be reasonable and necessary. As the site was not in an isolated area and there were other buildings in the vicinity that already had a significant amount of light spill, it was not regarded necessary to condition this.

However, Members felt that this was an opportunity to limit further light spill and it would be reasonable to request blackout blinds to the proposed rooflights.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation with an additional condition regarding the roof lights.

On being put to the vote the proposal was carried with 8 votes for approval and 1 vote against.

RESOLVED

That planning application 2020/1287/FUL be **APPROVED** in accordance with the Officer's recommendation subject to the applicant submitting a revised floor plan drawing showing the installation of blackout blinds in conjunction with the proposed roof lights.

Votes – 8 votes in favour, 1 against

At the end of this agenda item, Councillor Bente Height left the meeting.

14 Planning Application 2023/1275/FUL - Wells Police Station, 18 Glastonbury 4 Road, Wells, Somerset - Agenda Item 10

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 was referred back to the Planning Committee following consideration at the March meeting.

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 202/2234/FUL which had been approved in April 2023. The design in the new application was 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 application had been recommended for approval, but at the March 2024 meeting of the Planning Committee East, Members had deferred making a decision on the application to allow the applicant an opportunity to address the issues raised, specifically the amount of affordable housing contribution and lack of parking provision.

In response, the applicant had agreed to offer an additional £100,000 towards affordable housing, making the overall offer £200,000 together with £17,484 towards NHS contributions locally. The applicant had also reviewed the on-site parking provision. There was 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 would make it very difficult to provide an access road around the front of the building. However, one additional space was now proposed on the front area to the west of the entrance. This extra space would increase the parking ration to 0.51 spaces per apartment.

Taking these updates into consideration the Officer's recommendation remained for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation and explained the changes made by the applicant to the application.

The first speaker was from Wells City Council. She made a number of points including the following:

- There are already approximately 30 retirement properties currently on the market in Wells . The housing needs assessment was done in 2011 and is out of date. The City Council questions how many retirement flats for the elderly are actually need in Wells.
- The effects of climate change has seen extreme flooding in Wells which may affect the housing estates situated behind the development site. This should be noted by the developers.
- The increased offer for affordable housing is still lower than it should be but requested that the monies are ring-fenced for Wells.

- The £17k NHS contribution is welcomed but the City Council would like to request further S106 monies for active travel in Wells.

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

- Since the last meeting, the applicant have agreed to increase the contributions for affordable housing to £200k and NHS contributions to £17.5k.
- There was little option to increase parking provision but one space has been located.
- A typical purchaser of this type of accommodation would probably not require a car parking space.
- The applicant has a huge amount of experience and data to back up the car parking needs at retirement properties and the provision here exceeds the provision in other, similar developments.

During the Members discussion the following comments were made:

- A new housing needs assessment needs to be conducted for Wells.
- The financial contribution should be secured and ring-fenced for affordable housing in Wells.
- In comparison to other developments owned by the applicant, the amount of parking would appear to be favourable.
- The proposal was robustly debated at the previous meeting and as the Planning Officer has been successful in securing further S106 monies and an additional parking space, which was the reason for deferral, there was little more the Committee can do.
- The design of the redevelopment is not appealing and the lack of solar panels is short-sighted.
- Rather than the £200k for affordable housing, could the developers be asked to build affordable housing elsewhere?
- Could we ask for contributions for education?

In response to comments made, the Team Leader – Development Management advised the following:

- Planning permission had previously been granted under 2020/2234/FUL and this application was submitted by the applicant to reduce the amount of financial contributions previously agreed by that applicant. Planning Officers conducted an independent appraisal of the offering and the advice received was to accept the contributions. Following deferral at the last meeting, the

applicants had increased their offer. If this is now not approved, there might be an appeal and the Council could end up with no contributions at all. .

- Contributions for affordable housing could not be ring-fenced for use in Wells, but they will be used in the Somerset East area, where required most.
- The affordable housing team have already accepted the financial contribution so it would not be possible to ask the applicant to build off-site affordable housing instead.
- As the target purchaser would not have school age children, it would not be reasonable or appropriate to ask for contributions for education.

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

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

RESOLVED

That planning application 2023/1275/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 8 in favour, 1 against and 1 abstention

- 14 Planning Application 2023/1989/FUL - Land At 352279 151941, Townsend,**
5 Priddy, Wells, Somerset - Agenda Item 11

Change of use from agricultural to siting of a mobile home to provide a temporary accommodation for a rural worker. (Retrospective).

The Officer's Report stated that the application had been referred to the Planning Committee at the request of the Chair to enable the applicant to explain to the Committee why the mobile home was required. The application sought retrospective planning permission for the temporary siting of the mobile home as an agricultural worker's dwelling. The site was located within the Mendip Hills Area of Outstanding Natural Beauty and outside of defined settlement limits.

The Report continued that the Parish Council had no objection and that a recent parish survey had identified a lack of affordable accommodation in the parish. For those working in agricultural and rural industries this was a significant problem.

The Report stated that the proposed development lay in the countryside outside

defined development limits where development was strictly controlled. The proposal had failed to demonstrate that it complied with the Council's policy for rural workers dwellings and had also failed to meet the test of the NPPF for isolated homes in the countryside. The proposal was not considered to represent sustainable development and the limited benefits did not outweigh the harm identified. The proposal was therefore recommended for refusal.

Before the Planning Officer explained the application to the Committee, Councillor Edric Hobbs left the room due to his earlier declaration of interest in this agenda item.

The Committee was then addressed by the applicant. He made a number of points, including the following:

- He has been a drystone waller in the Mendips for over 25 years.
- He is passionate about the wildlife and biodiversity within the Mendip Hills.
- There is a need for him to live on site whilst building up an additional farming business.
- He was unaware that the caravan in which they lived required planning permission and was always transparent and open about it.
- The caravan is opposite a large camping and caravan site and not in open countryside as this is occupied by large campers and colourful tents for most of the year.
- Would appreciate support from the Committee to enable him and his family to continue to work, maintain and respect the land by repairing the drystone walls and contribute to the farming needs of the country.

In the discussion which followed Members were sympathetic to the applicant's needs and agreed that he should be permitted to live near his place of work.

The Legal Advisor reminded Members that there was a requirement for the applicant to demonstrate that they have a functional need to live on site. The Planning Officers did not believe this had been demonstrated therefore this was the reason given for refusing the application. Members would need to give an appropriate reason to approve the application contrary to the Officer's recommendation and delegate authority to the Chair and Planning Officers to impose the conditions. It was pointed out that the Vice-Chair would usually be involved but as he had declared an interest in this application, that the Division Member should be consulted instead.

There was further discussion including imposing an agricultural tie on the property and a 3-year limit on the permission after which time it should be reviewed.

It was proposed by Councillor Tony Robbins and seconded by Councillor Tessa Munt to approve the application contrary to the Officer's recommendation as the applicant had demonstrated a functional and essential need to live on site.

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

RESOLVED

That planning application 2023/1989/FUL be **APPROVED** contrary to the Officer's recommendation as it was deemed that there was a demonstrated functional and essential need for the applicant to live on this site. That delegated authority be granted to Officers, in consultation with the Chair and Councillor Tony Robbins (Mendip Hills) to impose necessary conditions, including limiting the permission to a temporary period of three years and an agricultural worker's occupancy tie.

Votes - Unanimous in favour

- 14 Planning Application 2021/2574/ADV - B&Q, Station Approach, Frome,**
6 Somerset - Agenda Item 12

Installation of 3no. illuminated, 4no. non-illuminated signs & door vinyls

The Officer's Report stated that the application had been referred to the Planning Committee as the Officer's recommendation of approval was contrary to the objections raised by the Town Council and Division members. The application site was within the defined development limits of Frome and was located in an area with various commercial and residential properties. The site was located adjacent to the boundary of Frome Conservation Area and the application was to erect 3 illuminated signs, 4 non-illuminated signs and vinyls to the doors to advertise B&Q.

There had been objections from the Division Members and the Town Council.

The Report continued that it was not considered that the illumination of the advertisement signs would result in harm to the amenity of the nearby residences during the operational hours of the business. A condition was recommended restricting the hours of illumination to when the store was open to the public. Although on the boundary of the Conservation Area, it was not considered that the proposed signage would look out of context in the surrounding area and would have an acceptable impact on the visual amenity of the locality. It was also considered that they would not pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety. In conclusion, the Officers recommendation was for approval.

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

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

In the discussion which followed, Members debated the need for the signs to be illuminated and the effect of the signs on the nearby Conservation Area. One particular sign was felt to be too big and intrusive. They also queried why so many signs were required.

Members were reminded that there would be a restriction imposed on the signs to be illuminated only when the store was open, which was between the hours of 7am and 8pm. Nonetheless, Members agreed as the signs were already a bright orange colour, illumination was not necessary, particularly as the site was so close to the Conservation Area.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Tessa Munt to approve the erection of all signs except for sign number 9, which was deemed to be detrimental to the visual amenity of the area and unsuitable in terms of height, scale and massing. None of the signs were approved to be illuminated.

On being put to the vote the proposal was carried 8 votes for, 1 abstention, 1 refusal.

RESOLVED

That planning application 2021/2574/ADV be issued as a SPLIT decision. All signage was **APPROVED** for installation **SAVE FOR** sign number 9 which was **REFUSED**, contrary to the Officer's recommendation, due to the height, scale and massing and detrimental effect on visual amenity. Also contrary to the Officer's recommendation, conditions would be imposed to ensure that none of the permitted signs are illuminated due to the detrimental effect on visual amenity.

Votes – 8 votes in favour, 1 against and 1 abstention

14 Appeals Report - Agenda Item 13

7

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

(The meeting ended at 5.15 pm)

.....
CHAIR

Application Number	2024/0289/PAA
Case Officer	Kirsty Black
Site	Field to the South Of Cedarwood House Holcombe Hill Holcombe Shepton Mallet Somerset
Date Validated	14 February 2024
Applicant/ Organisation	J Barter John Barter Transport (South West) Ltd
Application Type	Prior App CoU Agricult. to Residential
Proposal	Change of use of an agricultural building to a 1no dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This includes associated operational development.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Prior Approval Refused
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3words: Grid.nightcap.

Scheme of Delegation

This application is to be presented at Planning Committee in the interests of probity as the planning agent is an employee of Somerset Council.

Background & Description

This application relates to an isolated agricultural building lying within a field, approximately 0.4 hectares in area, to the southwest of a residential property Cedarwood House and is sited west of Holcombe Hill in Holcombe. It lies within Bat Consultation Zone Mells Valley and there is a public right of way (PROW) that runs over the existing access (public footpath SM 12/20).

The building is single storey structure that is without a solid cement floor but has an earthen floor present throughout the building. It is a lightweight structure of profiled metal sheeting clad walls and roof secured on a steel portal frame. The metal sheeting does not extend fully to the base of the structure and the building has a large open doorway to the front elevation. The structure has a footprint measuring 14 m by 9.2 metres and stands to a

maximum of 5.3 metres tall. It is accessed via field gates and a gravel track directly from Holcombe Hill.

The application seeks the change of use of the entirety of the agricultural building to 1no. larger dwellinghouse under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q (a) and (b). The development involves conversion of the single storey building into a two storey residential dwelling with associated parking.

Given that the application is not a planning application, the report format as set out below has been drafted to consider if the scope of works proposed would be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q.

Planning History

None

Summary of representation and Consultee Comments

Divisional Member: No response received.

Parish Council: Recommends refusal on the basis that the proposed development lies outside of the village development line and the proposed entrance could represent a safety hazard to road users.

SCC Ecology: No comments made.

Environmental Protection: No objection to the proposal.

Rights of Way Officer: Raise no objections to the proposal but recommend the attachment of an informative relating to the need to permit public use of a footpath until orders for its diversion are undertaken.

SCC Highways: Standing Advice Applies.

Local Representation: Two local representations received objecting to the proposal on the following grounds:

Impact on public footpath that runs close to the existing structure.

The poor condition of some of the steel stanchions and the corrugated steel to the rear of the structure is warped and damaged.

Lack of adequate natural light to the 4 ground floor rooms.

Impact on existing trees from adjacent ancient woodland. Currently trees touch the existing structure and felling healthy trees cannot be considered acceptable. The proposal to convert this structure has all the hallmarks of a rebuild rather than a conversion.

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

Policy Context and Material Considerations

- o National Planning Policy Framework (NPPF)
- o Planning Practice Guidance (PPG)
- o The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q, W and X (where relevant) (GPDO)
- o Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of Proposal

This application is for the change of use of an agricultural building to form one 'larger' dwellinghouse (Use Class C3), and associated operational development, under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q.

Class Q relates to development consisting of:

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Is development permitted?

Under Class Q1 (a) the legislation sets out a number of criteria from (a) to (m) that need to be assessed in order for this proposal to be considered and classified as being permitted development. Following assessment of the application against this criteria it is confirmed that the proposal complies with the above section of the legislation except the requirements under Q1 (i)

Provision under Class Q1i) conversion of a building to residential if they comply with the following:

Development would comprise only of installation of windows, doors, roofs or exterior walls (aa) or the installation of water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse (bb) and to undertake partial demolition.

Class Q allows for the “*change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3’ dwellinghouses*)” [edit] “*together with building operations reasonably necessary to **convert** the building...*’ [emphasis added].

The proposal seeks the conversion of the existing single storey and lightweight storage barn. It involves the creation of a residential dwelling using a structure that simply comprises metal sheeting and a steel frame and does not benefit from having either solid block walls or a solid concrete internal floor. The metal sheeting used to enclose the three complete sides of the building are not fully grounded

A visual structural report submitted with the application confirms in its conclusion and findings that assumptions based on external finishes and materials being light weight have been made and that there maybe the case for a more rigid and load bearing walls to be constructed. It is noted that the conversion seeks to create living accommodation on two floors not one and thus the degree of modifications that may be required to cope with an additional floor including the grounding of the walling, and the additional construction of rigid frames given the existing composition and appearance of the structure cannot be undertaken without adding to the structural integrity of the building as existing.

Taking into account the scope of the works proposed, the evidence presented and the character and composition of the building as it stands at present, it is not possible to conclude that the conversion can be undertaken without being considered to go beyond what could reasonably be considered as a “conversion”. It is therefore considered that the proposed works are of such a magnitude that they go beyond that considered acceptable under Class Q.1(i). Overall given the works required to convert the barn, the proposal is not considered compliant with the above section of the legislation and would effectively amount to a ‘fresh build’.

Is Prior approval required

The second part of the assessment criteria involves consideration of the transport and highways impacts, potential noise, risk of contamination, flooding risks and consideration of whether the location or siting of the building makes it impractical or undesirable for the

building to change from agricultural use to a use falling within Class C3 dwellinghouses).

Having considered the requirements and impacts of the proposed development using the above criteria, the proposal is considered not to give rise to any unacceptable harm.

Environmental Impact Assessment

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Human Rights Act 1998 The Human Rights Act 1998 came into force on 2nd October 2000.

It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

Conclusion:

To conclude the proposed conversion cannot be undertaken without going beyond what could reasonably be considered as a "conversion" and that the proposed works required go beyond the provisions acceptable under Class Q.1(i). Overall given the works required to convert the barn, is not considered to be compliant with the above section of the legislation and would effectively amount to a 'fresh build'.

As the proposal is not compliant with the conditions, limitations and restrictions of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 and the guidance contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), therefore, it cannot be considered as permitted development as described by the Class Q provisions.

Recommendation

Prior Approval Refused

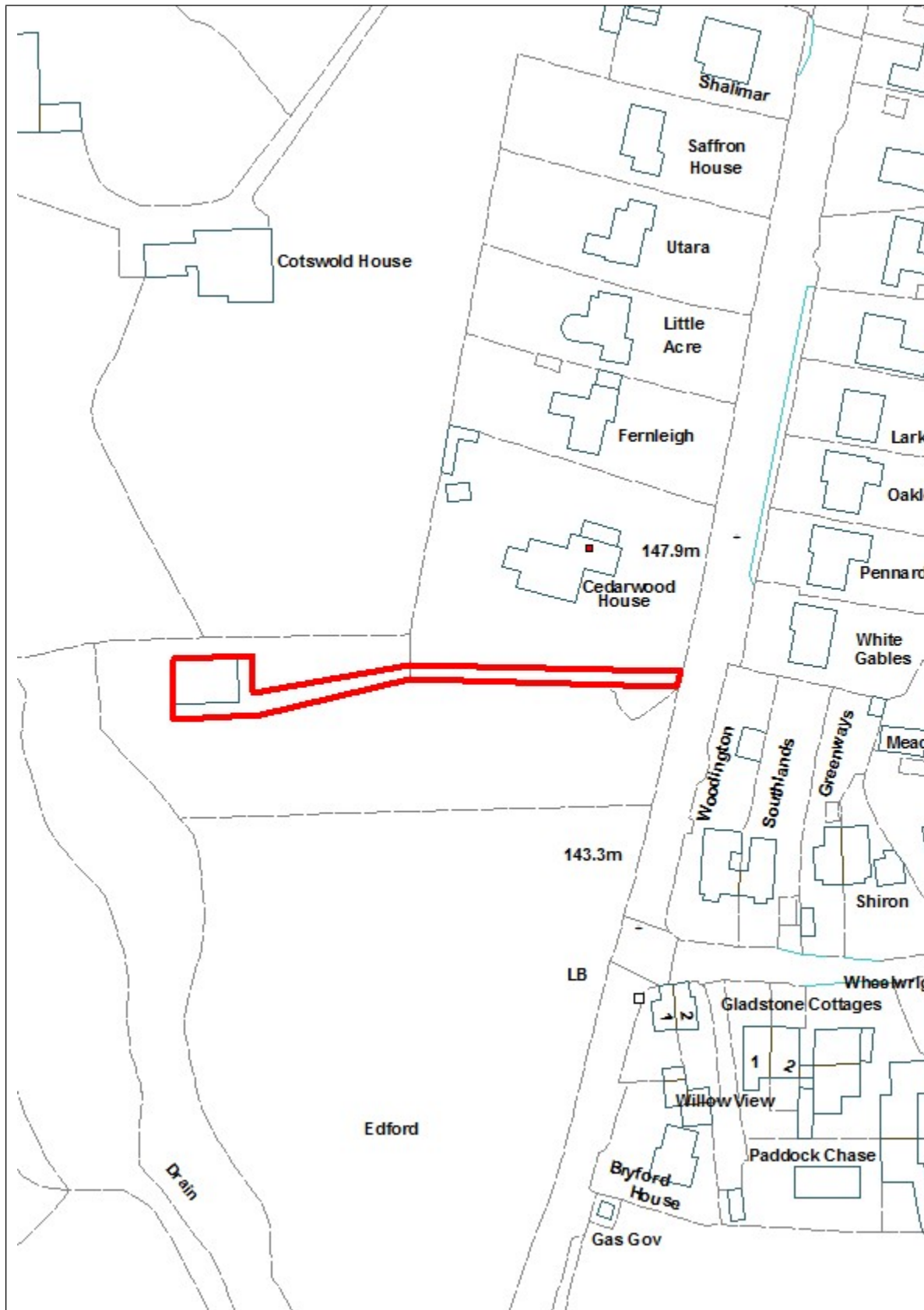
1. In the view of the Local Planning Authority the proposed change of use by virtue of the amount of building operations proposed, is of such a magnitude that it goes beyond what can reasonably be described as a conversion. It is therefore considered that the scheme is not considered to be a conversion in accordance with the Planning Practice Guidance. As such the proposal does not comply with Part 3, Class Q of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended).

Informatives

1. This decision relates to the following drawings: 2501/01A LOCATION & EXISTING BLOCK PLAN, 2501/02 EXISTING GROUND FLOOR PLAN, 2501/04 EXISTING ELEVATIONS, 2501/05A PROPOSED BLOCK PLAN, 2501/06 PROPOSED GROUND FLOOR PLAN, 2501/07 PROPOSED ROOF SPACE PLAN and 2501/09 PROPOSED ELEVATIONS. All received on 13th of February 2024

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Planning Board Report
Field To The South Of Cedarwood House
Holcombe Hill
Holcombe
Shepton Mallet
Somerset
BA3 5DD

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Application Number	2024/0315/FUL
Case Officer	Nikki White
Site	Land At Underhill Lane Ston Easton Wells Somerset
Date Validated	5 March 2024
Applicant/	P Roberts
Organisation	Curo Enterprise Ltd, Thomas Rory St John Meadows and Rich...
Application Type	Full Application
Proposal	Demolition of no. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.
Division	Mendip Hills Division
Parish	Ston Easton Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What 3 Words:

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

noble.interrupt.director

Scheme of Delegation:

In accordance with the scheme of delegation, this application is referred to the planning committee for a decision. This is because the proposal represents a departure from the Local Plan and the application is recommended for approval.

Description of Proposal, Background, Site and Constraints:

The full planning application relates to the demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and associated infrastructure.

This is a cross boundary application. The main part of the proposal is within the Somerset boundary. Within Bath and North East Somerset (BANES), Nos. 26 and 28 Orchard Vale are proposed to be demolished to make way for a new access - which is subject to planning application 24/00662/FUL which has not yet been determined. Paragraph 3.1 of the applicant's Planning Statement describes the development thus:

'The application proposes 54 new dwellings in total. This comprises:

- 53 dwellings within Somerset (formally Mendip), 30% of which are to be affordable;
- Demolition of 2 existing affordable homes and replacement with 1 new affordable home alongside the new access in B&NES; and the remaining replacement dwelling to be located within the Somerset part of the site but granted nomination rights to B&NES;
- Provision of 2no. new 4 bed affordable homes to be provided with grant funding as additionality and with B&NES given nomination rights. Curo would provide a commitment to provision of these additional affordable homes outside of the s106 to enable grant funding to be used.'

This application is a resubmission of application 2022/1427/FUL which was recommended for approval by officers and refused by the Planning Committee in November 2023 for the following reason:

'The site is located outside of the housing development limit and is therefore contrary to the District's settlement strategy, as outlined in Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part I. As the Council cannot currently demonstrate a 5-year housing land supply, the presumption in favour of sustainable development applies, as outlined in the National Planning Policy Framework. Although the site is adjacent to Midsomer Norton, the harm of the proposal due to travel distances to services and facilities, in particular the senior school and doctor's surgery, would significantly and demonstrably outweigh the benefits. As such, the proposal is not considered to constitute sustainable development and is contrary to Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part I and the National Planning Policy Framework.'

The accompanying application in BANES (22/02932/FUL) was subsequently refused under delegated authority for the following reasons:

'1 Principle of development

The principle of residential development in this location will worsen the imbalance between employment and housing within the Somer Valley. Whilst the main housing development is proposed within Somerset, the provision of an access within B&NES will enable and facilitate the housing development. The development is therefore considered to be contrary to policy DW1 of the Bath and North East Somerset Local Plan Partial Update and policy SV1 of the Bath and North East Somerset Placemaking Plan.

2 Loss of housing stock

The development will result in a net loss of residential accommodation with the B&NES Authority area. Alternative provision within Somerset has not been secured.

The development does not demonstrate substantial conservation, economic, social or environmental benefits that outweigh this harm and therefore is contrary to policy H5 of the Bath and North East Somerset Local Plan Partial Update.

3 Sustainable construction

The application is not accompanied by a Sustainable Construction Checklist which demonstrates that zero operational emissions can be achieved. The development is therefore contrary to policy SCR6 of the Bath and North East Somerset Local Plan Partial Update.

4 Lack of a S106 agreement

The application has failed to secure the required planning obligations to the Council's satisfaction, including highway works and contributions, off-site green space contributions and an additional affordable home within Somerset. The development is therefore contrary to policies H5, ST1 and ST7 of the Bath and North East Somerset Local Plan Partial Update.'

The application has been resubmitted, including changes and clarifications to try to overcome the concerns raised by the Planning Committee, as summarised in paragraph 1.5 of the submitted Planning Statement as follows:

'- Additional information has been provided to demonstrate the proximity of the site to services and facilities; confirmation has been provided in regard to the proximity of secondary schools and a commitment to funding of transportation in the scenario that no places exist at a closer school; and confirmation has been provided that future residents could access their local GP surgery in Midsomer Norton, just 0.5 miles away.

- A full draft s106 will be submitted to provide certainty on the obligations and financial contributions that would be delivered by the developer.

- An updated Sustainability Statement is submitted alongside this application that outlines how the proposals would greatly exceed policy requirements in respect of sustainable construction standards for the properties within Somerset. These homes would be highly fabric efficient and supplied with Air Source Heat Pumps and Solar Panels offering a circa 70% improvement over current 2021 Building Regulations standards.

- A Sustainable Construction Checklist is also submitted alongside this application which demonstrates that Plot 1 in B&NES would be built to standards necessary to comply with adopted policy SCR6.'

Following review of the additional information/clarification submitted, the application is concluded to be acceptable in relation to access to services, including schools and medical services. This resubmitted application is concluded to overcome the previous reason for refusal. The increased offer in relation to carbon reduction measures, above policy requirements, further tips the balance. A summary of the assessment is set out in the report below.

The site is located on the western edge of Midsomer Norton, which is a well established suburban residential area. The Orchard Community Hall is located to the south adjacent to a playing pitch and play park and a care home. Underhill Farm is sited to the east, with open countryside further east.

Underhill Wood is located to the north of the site which is a Local Wildlife Site (LWS) and subject to blanket Tree Protection Order (TPO) reference M1156. This application site is within the SSSI Impact Risk Zone. The land is shown as agricultural grade 3 (good to moderate) on the Natural England website.

Nos. 26 and 28 Orchard Vale (within BANES) are existing 3-bed social rent dwellings. It is proposed to reprovide one of these dwellings within the BANES district, adjacent to the access (plot 1). A further dwelling is proposed to be included within the Somerset district with nomination rights to BANES (plot 8). Two further 4 bed dwellings are proposed within the Somerset boundary which are proposed to be delivered with nomination rights to BANES outside the scope of the planning legal agreement (additionality) (plots 6 and 7).

Procedural Clarifications:

Mendip District Council has ceased to exist. Somerset County Council and four other district councils in Somerset (including Mendip Sedgemoor, Somerset West and Taunton Council and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as 'Somerset Council.' In terms of the application site the Mendip District Local Plan (Parts I and II) still comprise the relevant development plan.

Publication of this application has taken place in line with legal requirements, including advertisements in local press, site notices and letters to neighbours. The Council has met its obligations in relation to publication of the application.

As this application represents a departure from the Local Plan, it has been advertised as such.

When this application was submitted, the applicant served certificate B – this means that the applicant considered that they had they had served notice on all owners and tenants of land covered by the application. During the life of this application, the applicant has

indicated that they will also serve certificate C – this means that the applicant is not certain if they have served notice on all owners and tenants of land covered by the application site (the applicant has elected to do this so that the advertisement procedure as followed by this application is the same as for 2022/1427/FUL). This process allows for any party who considers that they have an interest in the land to notify the local planning authority accordingly. Following this process, any new comments, that relate to land ownership and that are received and that are relevant to the determination of the application would need to be taken into account. Therefore, from a procedural point of view for the determination of this application the decision notice on this application cannot be issued until this advertisement process has been completed.

Some neighbours have stated there has been insufficient public engagement. The applicant has submitted a Statement of Community Involvement outlining where it has engaged with the local community. It is also noted that although the Local Planning Authority encourages community engagement by developers, this is not a statutory requirement.

The proposed development could only be developed if its access is permitted, which is subject to a separate planning application in BANES (24/00662/FUL). Following internal legal advice, it has been confirmed that if Somerset Council Planning Committee is minded to approve this application, it should include a Grampian condition requiring the access to be developed. In the event that BANES refuses the access application (and any appeal is dismissed) then the development could not proceed.

It is confirmed that a site visit has been undertaken and the site and proposal are fully understood. Furthermore, the application is considered clear and complete and sufficient information has been submitted in order to determine this application.

The application is considered in good faith. Although some neighbouring comments have questioned statements of the applicant, there is no evidence to undermine the submission.

Although some objectors have queried whether the application should be considered in light of the previous submission, it is the responsibility of the local planning authority to consider and determine planning applications. Although some neighbour comments have outlined disagreement with the principle of a resubmitted application, planning legislation allows for the resubmission of planning applications.

It is noted that relevant comments received as part of the previous applications (2022/1427/FUL in Somerset and 22/02932/FUL in BANES) have been considered as part of this application.

Allocation Status:

Further to the successful legal challenge of Mendip District Council Local Plan Part II (LP2), the associated Order (December 2022) instructed that the allocated sites Policies MN1, MN2, MN3, NSP1 and BK1, their supporting text and other related text, tables and diagrams should be remitted to the Council. The remitted parts of LP2 should be treated as not having been adopted as part of the local development plan, and have no weight in the planning balance. The rest of LP2 is unaffected by this order, and remains part of the adopted plan.

As such, the previous allocation for this site (MN2) is no longer in place and the site is considered unallocated. The proposal is therefore considered as open countryside and a departure from the development plan, and assessed in the 'tilted balance' against paragraph 11d of the NPPF.

Relevant History on Application Site:

- 2022/1427/FUL - Demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure – Refused – 04.12.2023
- 22/02932/FUL (BANES) - Demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure (Cross Boundary Application with Somerset) – Refused – 05.12.2023

Summary of Comments:

Divisional/Ward Member(s): no comments received.

Ston Easton Parish Council: leave determination to the planning officer.

- Contribution to Clapton Village Hall requested.
- Note the site is unallocated.
- Request consideration of connecting the village of Clapton to mains drainage via the new development. New drainage system could be left ready should mains drainage be installed in Clapton at a future date.
- Noted previous localised flooding issues and the importance of suitable water management.
- Request for local designated footpaths to be signposted.
- Additional traffic and suitability of local roads.
- Outstanding matters include education contribution to be discussed with B&NES; allocation of affordable or shared ownership homes; waste and recycling collection; medical provision.

Coal Authority: no objection subject to standing advice informative.

Highway Authority: no objection subject to conditions/S106

- No further comments. Refer to comments as part of previous application 2022/1427/FUL:
 - Access to passenger transport infrastructure.
 - No collision data reported for the immediate vicinity of the proposed access.
 - The traffic dissemination across the local network means there will be a limited impact on any one junction on the local network.
 - Appropriate visibility splays can be provided for the new access road [subject to separate application in BANES].
 - Parking facilities can be provided in accordance with current policy standards.
 - Highways drainage - no objections in principle.
 - Estates road - S38 agreement needed with the highway authority or Advanced Payment Code. The applicant should consider minor detailed design points – consider structural stability of path near pond; maintenance access to pond; culvert considered for adoption with additional maintenance costs; the diversion of the Wessex Water sewer to accommodate a road over it; provision of a further road gully.
 - Travel Plan – updated travel plan is acceptable subject to minor amendments. To be included in the S106 legal agreement.

Ecology: no objection subject to conditions and legal agreement

- In the absence of further survey information it is presumed that reptiles are present within the application site. Condition recommended.
- It is understood that otters are present within the area and anecdotal evidence has been provided to the LPA since the previous application in the form of photos and videos. There are habitats on site which support otter and a pre-commencement survey will be required on all suitable including the adjacent water corridor in order to confirm presence/likely absence of otter within/ adjacent to the application site. The ecologist should also follow the Biodiversity code of practice for planning and development (BS 42020:2013) available on the [British Standards Institute](#) website. These documents may not be accessible to assistive technology. The ecologist must hold an appropriate licence to carry out some non-routine survey activities. It should be noted that if the proposals are likely to result in disturbance or harm to the species, an EPS licence may be required which is typically actioned as a condition. The findings of the otter survey must be submitted to the LPA within two

weeks of completion. A condition is required to ensure that the LPA fulfils its legal duty of 'strict protection' of European protected species.

Previous comments as part of application 2022/1427/FUL: no objection subject to conditions and legal agreement

- The development proposes open space and green corridors. Underhill Wood Local Wildlife Site designated for its broadleaved woodland is located directly adjacent to the application site along the northern boundary and the south western boundary. It has been confirmed that a proposed 10m landscape buffer along the northern boundary and western boundary will act as a buffer from the LWS as well as a proposed 5m buffer along the eastern boundary from the properties in Orchard Vale and High Meadow. A 5m buffer between the tree line and any private gardens have also been confirmed within the landscape masterplan.
- Recommended conditions: Construction Environmental Management Plan (CEMP: Biodiversity); Landscape and Ecological Management Plan (LEMP); Biodiversity Monitoring Strategy; tree and hedgerow protections through construction; amphibians, reptiles and hedgehogs; badgers; lighting design for bats; tree removal to avoid bird nesting season; construction procedure for dormice; and on site biodiversity enhancements.
- Off-site 10% biodiversity net gain including a minimum habitat enhancement area of 2.07 hectares comprising the replacement habitat specified as mitigation within the submitted calculation shall be provided. Details on how this area will be managed to achieve the 10% net gain will be detailed in a submitted LEMP.

Trees and Woodland Officer: no comments received.

Previous comments as part of application 2022/1427/FUL: no objection subject to conditions

- The revised Arboricultural Method Statement and Tree Protection Plan are appropriate to demonstrate how the arboricultural features of the site / location have been taken into account.
- Recommended condition: development must be in accordance with the Tree Protection Measures identified within the revised / up-dated Arboricultural Method Statement (Ref: D14 437 02 03) / Tree Protection Plan (Ref: D14 437 02 P4 Rev D) prepared by JP Associates dated September 2023

Contaminated Land: no objections subject to conditions

- Standard conditions 1 to 4 required.

Environmental and Community Protection: no objection subject to conditions

- Recommend condition: Construction Environmental Management Plan (CEMP) to include construction times.

Housing Enabling: no comments received

Previous comments as part of application 2022/1427/FUL: no objection subject to conditions/S106

- The final scheme layout shows a policy compliant level of affordable housing.
- In line with Policy DP11 a tenure split of 80:20 (Social Rented units and Shared Ownership units) has been agreed with housing enabling officers.
- Supportive of the delivery of this affordable scheme, and it is considered that the housing mix and tenure approach adheres to local demand and the latest housing needs evidence. This mix must be secured via a S106 agreement.
- The revised scheme includes 2 x replacement 3-bed (5 person) BANES affordable homes for social rent to accommodate the loss of existing homes as a result of the development, and we are supportive of the need to ensure these units are provided as part of the scheme. It is also proposed to provide 2 x additional affordable units for BANES. To be clear, any BANES affordable units must be provided in addition to the 30% requirement for the Somerset East area, for which 16 units is the requirement.

LLFA: no objection subject to conditions

- Recommended conditions: information required at detailed stage; and management and maintenance responsibilities.

Wessex Water: no objection subject to condition.

Previous comments as part of application 2022/1427/FUL: no objection

- Wessex Water Assets are located within the proposed site boundary: 150mm diameter public foul sewer dissecting the rear gardens of 26 – 28 Orchard Vale. Applicant will need to agree protection arrangements [outside scope of planning application].
- Foul Drainage - note applicant is proposing a pumping connection to the public foul sewer via a new manhole downstream of existing manhole. This is acceptable in principle, however, if the applicant is proposing to offer the pumping station and foul sewer network for adoption, it must be constructed to current adoptable standards. The point of connection to the public network is by formal application

and agreement with Wessex Water. No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

- Surface Water Drainage - the applicant has stated the intention to discharge surface water runoff from the development to the watercourse located on the eastern boundary. Wessex Water has no objection to this strategy and would defer to the LLFA to approve the proposal. No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.
- Water Infrastructure - Wessex Water is not the incumbent supplier in this area.

Education: no objection

- No comments as we have capacity in the schools, so no need for contributions at this time.

Previous comments as part of application 2022/1427/FUL: no objection subject to obligations

- Following recently discussions with BANES it has been confirmed that it will have sufficient capacity within existing primary schools for this development so no need to request contributions on behalf of BANES.
- The Blue School is also forecast to have sufficient capacity, but as the school is more than the 3-mile statutory walking distance from the development a contribution for transport costs will be triggered.

Police – Crime Prevention Design: no objection

- The crime and anti-social behaviour figures for the last 12 months within a 500m radius of this site are low.
- Reference to crime prevention measures in the application is welcome. I would urge the applicant to utilise the advice, principles and product specifications that are provided in the current Secured By Design Guide, Homes 2024.
- Close board fencing on properties along the southern boundary encouraged rather than 5 bar fencing.
- Secure locations for cycle storage are required.
- External lighting required for apartment blocks. Bollard lighting is easily damaged and does not provide sufficient illumination for facial recognition.
- Recommend that knee high post and rail fencing is installed at the edge of open green spaces that abut areas motor vehicles can access.
- Robust visitor door entry and access control system to communal doors is recommended for the apartment blocks.
- Triple parking bays can cause neighbour conflict and access problems.

Somerset Waste Partnership: no comments received.

Previous comments as part of application 2022/1427/FUL: no objections

- All properties have suitable access to the highway to present their waste for collection and the roads within the development are all proposed to be adopted.
- Recommend shelves and individual wheelie bins for flats.

NHS: no objection (summary of final, updated comments)

- On the basis that Oakhill Practice falls outside the catchment for this particular development, no obligations are sought.

Natural England: no objection

- The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Bath and North East Somerset Council (BANES): objection

- Given the proximity and relationship of the proposed development with B&NES and specifically Midsomer Norton, it is considered important that it is considered within the context of the Bath and North East Somerset Development Plan, particularly the Somer Valley policy framework.
- The B&NES Core Strategy (adopted in July 2014) sets out the spatial elements of the Council's vision and objectives and translates them into a plan. The Core Strategy is complemented by the Placemaking Plan (adopted in July 2017) and Local Plan Partial Update (LPPU) (adopted January 2023) which allocate specific sites for development and outlines a district-wide suite of Development Management policies.
- One of the key strategic issues the B&NES Core Strategy, Placemaking Plan and LPPU is addressing is an imbalance between jobs and homes resulting from recent incremental housing development and a decline in the manufacturing sector and a high degree of out-commuting. Therefore, the Core Strategy/Placemaking Plan facilitates more employment including allocating the Somer Valley Enterprise Zone and only facilitates some additional housing primarily reflecting already committed sites (either permitted or allocated in the previous Local Plan).
- Permitting the proposed development site would be contrary to the adopted B&NES Development Plan, worsening the imbalance between jobs and homes and resulting in unsustainable levels of outcommuting for work. Furthermore, the proposed development would add cumulative impacts on key infrastructure within Westfield

and Midsomer Norton, including highways and, potentially, education. The principle of the proposed development within Somerset is therefore not supported.

- It is noted that the site was previously allocated as part of the Mendip Local Plan Part II, as allocation MN2. However, following a successful Judicial Review of this plan, this site allocation has been removed from the plan. The development therefore amounts to development within the open countryside. Given the location of development and the fact that the site is unallocated, B&NES would raise that the development within Somerset is contrary to Mendip Local Plan Part I. In principle therefore, the development is also considered by B&NES to be contrary to Somerset planning policy.
- B&NES acknowledge the lack of a 5-year housing land supply within Somerset. In this regard, the Presumption in Favour of Sustainable Development and Tilted Balance are engaged. The previous scheme was refused on the basis of there being demonstrable harm from the proposals which was not outweighed by the benefits of the scheme. Somerset Council must be able to satisfy themselves that this demonstrable harm has been overcome by way of the submission of the new information relating to sustainability within this proposal in order to recommend permission.

BANES Highways:

- Subject to the obligations recommended being secured, which can be done through a S106 agreement attached to the B&NES application if permitted, there is no objection to the proposals from B&NES Highways.

BANES Parks and Green Spaces:

- No objection to the previous scheme from Parks and Recreations subject to obligations being secured. These could also be secured via a S106 agreement attached to the B&NES application if permitted.

BANES Comments as Part of Previous Application (22/02932/FUL):

BANES Education: no objection

- Proposed development is not currently anticipated to have a negative impact on primary or secondary school provision available for B&NES resident children in the Midsomer Norton/ Westfield area.
- Cumulative impacts of development should be considered.

BANES Parks and Green Spaces: no objection subject to obligations

- The total demand for greenspace equates to 3922.88 m2. The proposal includes 0.7 ha of open space which includes the network of green infrastructure (GI) around the edges of the site, surface water attenuation and landscaping within the scheme. This figure will need to be recalculated as some of the open spaces will only be acceptable in terms of their visual amenity.
- Curo is willing to accept a contribution for the investment in play equipment for older children and horticultural enrichment of the Greenacres Recreation Ground. The contributions listed below are fairly and reasonably related in scale and kind. The requirement has been worked out on a proportionate basis based on standards set out in the Green Space Strategy (2015) and in scale with the total net occupancy of the development. Capital Cost of greenspace enhancement (Green Space Strategy 2015 pg. 87) - £111,945.60
- Further information needed on details and quantities of different open space typologies.
- Pleased to see a reduction in the size of the attenuation basin to increase the amount of useable open space within the scheme, the relocation of the pumping station to the north west of the site, the introduction of a 'pocket park' located centrally within the development and the introduction of informal play areas.
- Opportunities for food growing encouraged
- Suggested S106 Definition for 'Off-site Public Open Space Contribution' Definition:
"Definition: An Off-Site Green Space Contribution of £111,945.60 to be applied towards the enhancement and maintenance of greenspace in the vicinity of the development.
Covenant: The Owner shall pay to the Council the Green Space Contribution prior to occupation of the development. The contribution will be indexed from the date of decision."
- Adoption will be subject to discussion with Highways.

Relevant comments on application 24/00662/FUL in BANES have been reviewed.

Local Representations:

33 objections were received on this application, including some people who commented on more than one occasion, as summarised below:

- Principle of development - unsustainable development; lack of local jobs; pressure on services; insufficient local services; contrary to BANES planning strategy; this site is not allocated for development or proposed to be allocated in the Somerset LP review; development on an unallocated site would undermine existing (democratically accountable) development plans; BANES 5 year housing land supply should be considered as this is a cross boundary application; contrary to BANES and Somerset policy in principle; not respecting the outcome of the JR; JR ruled

there should be no development on this site; there is not a duty for B&NES to cooperate re the access; no benefits to residents of Midsomer Norton; brownfield sites should be considered before this one; cumulative impacts of other development coming forward should be considered; development would contribute little if anything to the local economy.

- Insufficient affordable housing.
- Jobs – insufficient jobs for future occupants; development will not create jobs, or local construction jobs; disagree the development would result in 167 new jobs; any new jobs will probably be building contractors from outside the area.
- Highway – highway safety; highway capacity; proposed school transportation is unsustainable and isn't long term; insufficient parking; existing on street parking problems locally; insufficient access for emergency services; harm to the amenity and safety of the nearby children's play area and nursing home; increased vehicle emissions; need to demolish two houses to make way for the access demonstrates the development is unsuitable; insufficient room for construction vehicles to access the site would result in highway safety issues; harm and costs to local road network as a result of construction; air pollution from increased traffic.
- Ecology - ecological harm including protected species and habitats; incomplete ecological work submitted; Natural England should be consulted; lights associated with the development could harm ecology; otters seen on the site which are not captured in the submitted ecological reports.
- Flooding – on site and surrounding area concerns; maintenance of pumping station unclear; who will pay for on site maintenance; increased flooding controls will be required in BANES; the site is on the flood plain; increasing rainfall as a result of climate change; proposed attenuation insufficient; attention basin reduced since the last application.
- Local community object to proposals.
- Insufficient change from previous application; this application should be refused again.
- Services and facilities - GP surgeries in Midsomer Norton are oversubscribed; 11 mile school journey is unsustainable, no mention of what will happen when transportation funding expires and harmful to children's mental health and well being; there are no NHS dentists locally; council tax would be paid to Mendip/Somerset yet pressure on services in BANES; pressure on services would further undermine existing residents being able to access them.
- Undermines commitment to tackling climate change.
- Amenity - harm to neighbouring amenity; increased noise; noise and disturbance during construction; play park will be unsafe during construction; disruption to elderly community at the care home.
- Please refer the decision to the Planning Committee.
- Harm to protected trees and other trees – development should be moved away from ancient woodland, trees and hedgerow.

- Harmful to health of nearby residents.
- Please visit the site and neighbouring properties.
- Comments on previous applications have been removed and should be considered.
- Errors in application
- Who will maintain the site and manage rubbish dumping?
- Pollution of all kinds through construction and traffic.
- Unfair on local community to resubmit this application; developer hoping for objection fatigue.
- This application should not be considered by Somerset or BANES councils.

It is noted that 32 objectors commented on the previous application (2022/1427/FUL), including some who commented on more than one occasion. Further comments not already summarised above include:

- No improvements for pedestrians, cyclists and mobility impaired.
- Concern there could be biodiversity loss.
- Would set a harmful precedent.
- Insufficient public enhancement.
- Loss of green space.
- Visual harm.
- Proposed houses would be too small.
- Pumping station – risk of blocking, noise, smell.
- Confusion over deadline for comments.
- Website difficult to navigate.
- No consultation letter received.
- Occupants of 26 and 28 Orchard Vale would be made homeless.
- Permission would be illegal and would trigger legal proceedings.
- Planning permission on neighbouring site was refused previously.

Additionally, the following issues not relevant to the application or relevant to planning were raised as part of this application:

- The site is an Area of Outstanding Natural Beauty.
- The land is cheap.
- All dwellings may be bought by the developer and rented out at high prices.
- There is no such thing as affordable rent now.
- As the site is on the flood plain, insurance premiums would be very high.

The following issues not relevant to the application or relevant to planning were raised as part of the previous application (2022/1427/FUL):

- Loss of green belt.
- Reduction in private property values.
- Harm to private views.

Full details of all consultation responses can be found on the Council's website [Simple Search \(mendip.gov.uk\)](#)

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

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

The Council's Development Plan comprises:

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

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

- CP1 - Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- 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
- 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 (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (2017)
- Environment Agency Standing Advice
- Landscape Assessment of Mendip District (1997)
- Mendip District Landscape Character Assessment (2020)
- Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (2022)
- Creating Places for People, Somerset Council (consultation draft, September 2023)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (2021)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Somerset Council Travel Planning Guidance (2011)
- Manual for Streets (2007)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- National Design Guide (2021)
- Technical housing standards – nationally described space standards (2015)
- Fields in Trust - Guidance for Outdoor Sport and Play (2020)
- Relevant policies in BANES, as referred to in the BANES consultation response to this application

Assessment of Relevant Issues:

Principle of Development:

Core Policy 1 (CP1) of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (LPP1) directs the majority of growth identified in Policy Core Policy 2 (CP2) of LPP1 to the 5 principal settlements to enable the most sustainable pattern of growth.

The site abuts the boundary with Bath and North East Somerset Council and is therefore closely related with Midsomer Norton and Radstock. These towns are not however included in this list of the principal settlements as they fall outside the administrative area of Mendip/Somerset East. These towns do however offer a good range of services and facilities and are accessible from the application site by means other than the private car. Whilst the site is considered to be well located in terms of services and facilities, it is noted that BANES and other third parties have raised objections on the grounds of the impact upon the imbalance of jobs and employment in the area which runs contrary to BANES' spatial strategy. This must be considered as part of the overall assessment.

Although close to local settlements, the site is outside of any development boundary and therefore must be considered to be located in open countryside. Policy CP4 explains that development outside development limits is strictly controlled and only permitted where it benefits economic activity or extends the range of facilities available to local communities. Given the location of the site the proposal would therefore conflict with Policies CP1, CP2 and CP4 of LP1.

The Council is currently unable to demonstrate a five-year housing supply. The 'Somerset – East Area (former Mendip District) Statement on Five Year Housing Land Supply – November 2023' confirms the current five year housing land supply figure is 3.24 years.

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

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The above is a significant material consideration that will be considered in the overall planning balance section at the end of this report.

Site Sustainability:

In November 2023, some members of the Planning Committee expressed concerns in relation to the sustainability of the site, which led to refusal of the application. It is noted that concerns were focussed around travel distances to services and facilities, notably the senior school and GP surgery.

The applicant has sought to address these concerns in the resubmitted application. The Planning Statement confirms the distances to local facilities, including the High Street, shops, schools and bus stops. As the site is on the edge of Midsomer Norton with access to many services and facilities, the site is considered a broadly sustainable location.

Table 1: Distance to Local Facilities

Service / Facility	Walking Distance (Walking Time)
Paulton Road Bus Stops (Orchard Avenue)	480m (6 minutes)
Paulton Road Bus Stops (Pinewood Road)	480m (6 minutes)
Orchard Community Hall	130m (2 minutes)
Longvernal Primary School	570m (7 minutes)
Somervale Secondary School	1,330m (16 minutes)
Brookes News Convenience Store (Redfield Road)	730m (9 minutes)
High Street (Town Centre)	1,430m (17 minutes)

Source: Applicant Planning Statement

The submitted Design and Access Statement summarises proximity to further services and facilities, as set out in the table below:

Table 2: Further Services and Facilities

Service/ Facility	Indicative distance from Site (m)	Approximate journey time on foot (minutes)	Approximate journey time by cycle (minutes)
Orchard Community Hall	25	1	1
Play Area	50	1	1
Clapton Road Play Area	644	8	2
Longvernal Primary School	965	12	4
Somerton House Surgery	965	13	4
Sainsburys	1127	15	6
One Stop	1127	13	4
Somervale School	1127	15	4
Petrol Station	1127	12	5
St John's Church	1127	14	5
The Holy Ghost Church	1287	14	5
Natwest Bank	1287	15	5
Best Pizza and Kabab	1287	15	5
St John's C of E Primary School	1287	14	4
Midsomer Norton Primary School	1448	18	6
Welton Rovers fc	1448	16	5
The White Heart	1448	16	5
Midsomer Norton Town Hall	1448	16	5
Midsomer Pharmacy	1609	17	7
Midsomer Norton Methodist Church	1609	18	7
Parsons Bakery	1609	18	7
Mallards Pub	1609	18	7
Lidl	1770	19	7
Dragonfly Leisure Midsomer Norton	1770	20	7

Source: Applicant Design and Access Statement

Education:

The proposed development is anticipated to generate the following number of additional places:

Table 3: New Education Places Generated by the Proposal

Number of Dwellings	54
Places Generated	
Early Years	5
Primary School	18
Secondary School	8
SEN Schools	1

Source: Education Officer, Somerset Council

The proposal has been assessed by Education Officers at Somerset Council and BANES. Although within the Somerset local authority area, it is likely that families would look to secure places within BANES, which are closer to home. Assessment has considered other development permitted in the local area.

Early Years:

As confirmed by Education Officers in BANES, early years places are predicted to be accommodated in BANES.

Primary Education:

Primary school places are determined on distance from school, and not by local authority. BANES has confirmed there is likely to be capacity within the local primary school to accommodate children from the proposed development. The nearest primary school is Longvernal, which the applicant confirms is 570m from the site (7 minutes to walk).

Secondary Education:

Education Officers have confirmed that the proposed development is likely to generate eight new pupils. Secondary school places are linked to local authority. Midsomer Norton has two secondary schools including Somervale School (circa 1130m or 15mins walking time from the site) and Norton Hill (circa 1.5 miles from the site) which are both the BANES administrative area. Children in BANES would have prioritised places above those within Somerset. BANES has confirmed that there is predicted to be insufficient capacity within

both Somervale and Norton Hill to accommodate children generated from the proposed development.

In the event that pupils could not be accommodated at Somervale or Norton Hill School, it has been confirmed that there is predicted to be capacity at Writhlington School in Radstock, which is circa 3.5 miles from the site (also in BANES).

In the event that some of these eight pupils could not be accommodated at Somervale, Norton Hill or Writhlington, their Somerset catchment school would be the Blue School in Wells. This is circa 11 miles from the application site. Education Officers have confirmed pupils can be accommodated on established school bus services. Furthermore, the applicant has agreed a contribution towards bus services of £57,480.

The applicant has commented on secondary education provision thus:

‘Secondary school admissions are allocated on a catchment basis which are linked to Local Authority areas. It is estimated that only 8 pupils would be generated by the development, but that as the main part of the site lies in Somerset, they would not automatically qualify for places at B&NES schools within Midsomer Norton. Whilst pupils arising from the development would not be given priority over those within B&NES, the B&NES School Organisation Plan states that both Somervale and Norton Hill Secondary Schools will have sufficient capacity to accommodate demand, despite reducing in size; whilst Writhlington School in Radstock, is projected to have significant capacity. It is worth noting that Writhlington has recently secured an Ofsted Good rating which is likely to encourage children to it which in turn may free up further capacity at Somervale or Norton Hill schools. Even in the event that there was insufficient space in the nearby Secondary schools for the 8 pupils that are anticipated to be generated by the development, the application proposes a financial contribution to provide transportation to the Blue School in Wells, if needed. This is a sustainable and accepted means of providing secondary school education in instances where capacity is not available at schools within walking distance.

It is worth noting that Somerset Council approved at White Post, adjacent to Midsomer Norton (2021/1480/OTS) for 280 homes with no objection on education grounds; and that the adjacent scheme (2021/0157/OTS) for 75 dwellings was approved at appeal. In both instances the nearest Secondary School within catchment is the Blue School in Wells, as it is with the application site. Neither of these schemes offered a contribution towards secondary school transportation, but both were found acceptable and no questions were raised over their sustainability.

It would be unreasonable for the Council to maintain the position they took in refusing the previous application for Underhill Lane on the grounds of sustainability in large part based on the potential for children to need to travel to secondary school in light of the above.'

SEN:

One additional place is projected to be generated by the development. Education Officers have raised no concerns in relation to accommodating this need.

Conclusion on Education Provision:

Due to the location of the site, it seems reasonable that new occupants would look to access education provision in Midsomer Norton, which would be the most convenient option.

Following consultation and discussions with Education Officers in both Somerset and BANES, it is concluded that the projected number of new pupils for early years and primary can likely be accommodated within Midsomer Norton (BANES). Whilst projections indicate there may not be capacity at Somervale or Norton Hill School in Midsomer Norton (BANES) for the eight senior school pupils projected to be generated by the development, there is projected capacity at Writhlington (BANES) which is circa 3.5 miles from the site and Wells Blue School (Somerset) which is circa 11 miles from the site. It is not unusual for secondary school children to take the bus, which is common across Somerset. The applicant has also agreed to contribute towards the Somerset bus service, in the event some pupils travel to Wells.

Although travel from Midsomer Norton to Wells to school may result in some social impacts (such as distance from friends and ability access after school clubs), this is likely to affect a low number of children and it is not unusual to encounter travel distances between school friends in Somerset.

Overall, considering the relatively low number of t pupil places that would be required by the application scheme and the likely capacity at Writhlington and Wells Blue, as well as proposed obligations, the proposed development is concluded to be acceptable in this regard, and any harms identified are not concluded to be significant and demonstrable.

Health Services:

Following consultation comments from the NHS, when the application was previously considered by the Planning Committee, it was thought that the local GP surgery was Oakhill, which is 5.6 miles from the site. Furthermore, as this surgery is at capacity,

development contributions were sought towards its expansion (£24,140). The Planning Committee expressed concerns that the distance from the proposed development site to Oakhill Surgery represented unsustainable development.

Comments from the NHS as part of this application first reiterated the site is within the Oakhill Surgery. However, updated comments have been received from the NHS correcting this position, confirming the site is not within the catchment for Oakhill Surgery, and withdrawing any request for money towards GP service expansions.

The applicant has been in discussions with the NHS and confirmed that the site is in fact in the catchment of Somerton House Surgery (which is due to merge with St Chad's & Chilcompton Surgery). This surgery is in Midsomer Norton, circa 0.5 miles from the site. It has been confirmed by the applicant that the site is within the catchment for this surgery and this surgery is accepting new patients (which is also confirmed on the NHS website), regardless of which local authority new patients live in.

The applicant has described the local healthcare provision as follows:

'The Senior Commissioning Manager for Primary Care in the NHS Bath and North East Somerset, Swindon and Wiltshire Integrated Care Board (ICB) has confirmed that "If people live within the catchment area for a practice and that practice is accepting new patients then they are free to register with that practice. Patients with a Somerset postcode are able to register with a BaNES practice if they live within the boundary of a BaNES practice."

Somerton House Surgery is currently accepting new patients and as such, future residents could therefore access their local GP surgery, which is just 0.5 miles away. This means the site is closer to a GP surgery than the vast majority of the B&NES and Somerset and as such cannot reasonably be considered as unsustainable.'

Conclusion on Healthcare Provision:

Following the correction of healthcare surgery catchment by the NHS, and the submission by the application of information to demonstrate the site can be accommodated by a GP surgery in Midsomer Norton, the site is concluded to be in a sustainable location in relation to accessibility to local healthcare services.

No obligations are sought to manage additional capacity that would be required from the application scheme.

Impact on NHS Dental Provision:

Although some neighbour comments have outlined concerns in relation to capacity for NHS dentists, this is a national issue and does not justify refusal of the application.

Agricultural Land:

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

Development Status:

The successful legal challenge of LP2 and the deletion of the site allocation has been outlined above. This does not result in the development of the site being unlawful, but means that the site must be treated as open countryside and weighed in the tilted balance. This is how the application has been assessed.

Landscape:

Policy DP4 recognises the quality of Somerset East/Mendip's landscapes and suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and manmade features. The site is not highly visible in the local landscape and is not covered by any specific landscape designations.

The application has been supported by a Landscape and Visual Impact Assessment (LVIA), prepared by David Jarvis Associates. In relation to landscape effects, this concludes the following:

*“7.16. While it is acknowledged that the proposals would permanently change the sites character from agricultural to residential use, the proposals retain notable landscape features on Site such as specimen trees. Additional tree planting and wetland habitats would also be introduced. As a result it is considered the proposals would have a **low** beneficial effect on the local landscape condition, resulting in a **minor** benefit.*

*7.17 Woodland planting to the west and south of the Site would limit the effect on scenic quality to locations immediately adjacent the Site resulting in a **low** impact of **minor** significance.*

7.18 Due to distance and areas of woodland separating the Site from local Public Rights of Way it is considered the proposals would have no direct impact on their leisure value.

7.19 The proposals would have no direct impact on the adjacent Greenacres play area and playing field. In the short-term, construction noise may impact the setting of the play space but it is likely the noise would not be out of context with noise generated by the current construction works at Woodside Flats. Consequently, it is considered the impact on the play area would be short term and of **negligible** significance and **neutral** in nature.

7.20 In the long term it is considered the impact on tranquillity would not be uncharacteristic of noises currently experienced within the site's locality and therefore of **minor** adverse significance."

These conclusions, which are informed by a thorough assessment of the landscape context and impacts of proposals, are agreed.

The proposals would have an urbanising effect as a result of the built form and the associated development. There would inevitably be a change in the character of the site and there would be some encroachment into the countryside, but this is not considered to be unduly harmful.

The key matters to address therefore are to ensure that the visual impacts are minimised, and any adverse effect is mitigated through an appropriate landscaping scheme. The landscape submission demonstrates that the development would be set back from the boundary trees and create a linear area of public open space with connections to the community centre and play park to the south.

Whilst there would be landscape harm associated with developing a greenfield site, this needs to weigh in the overall planning balance, the local and wider landscape impacts are considered low and do not justify refusal.

Design:

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

In addition to the NPPF, the National Design Guide was published in January 2021. The National Model Design Code was published in June 2021. Together they illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

The site is adjacent to a suburban area to the west of Midsomer Norton. The site and surrounding residential development are accessed off Northmead Road (B3355) and Paulton Road, and include residential roads Orchard Vale, Orchard Avenue and Pinewood Road. Residential development is typically post-war semi-detached, set back from the road in fairly generous plots. Many properties have been subject to alterations, including extensions and driveways. Along Orchard Vale, properties mainly have hipped roof structures and the local material palette includes light render walls and tiled roofs. Along Pinewood Avenue, houses are gable fronted and gable sided and materials include light render at first floor level and recon stone at second floor level with Roman tiled roofs. Further north, Underhill Lane includes single storey dwellings of hipped and gable fronted design, and materials include light render, red brick, recon stone and Roman tiles. Immediately south east of the site is the Orchard Community Hall and community play park. South of the site is Greenacres Extra Care and Combe Lea Care Home, which are 2 and 3 storey buildings set in generous plots with car parking to the front; and finished in light render, recon stone and grey detailing on the walls and tiled roofs. Woodside is also to the south of the site and includes 2 and 4 storey residential properties. The 2 storey houses further south include mono and asymmetrical roofs and a mixture of light render and recon stone walling. Some properties are closer to the road and some have generous front gardens. 4 storey housing is immediately south of the application site, set into 2 blocks and is finished in a mixture of light renders. A pathway running immediately south of the application site provides accesses to the properties and garages, with high levels of planting between the application site. There is an informal access into the application site here. The local area includes high levels of planting and greening, resulting in a well established suburban character. There are clearly parking pressures in the area, with high levels of on street parking on both sides of many of the surrounding roads.

The proposed development would be accessed from Orchard Vale, with 1 replacement house on the left of the access route, within the BANES boundary. The access consists of a slightly curved primary road, with a secondary shared surface road leading to the north which then splits east and west. Proposed dwellings are set off the road with some frontage planting. Configurations include 2 apartment blocks (each containing 6 x 1 and 2 bed dwellings); 1 row of 3 dwellings; various detached houses; and various semi-detached houses.

The application has also been supported by a Design and Access Statement which confirms the overall design approach thus:

“The Vision for Land at Underhill Farm is to create a high quality, outward looking development which respects the surrounding built environment and integrates the existing green wooded edges to the site both for residents from within their homes and visitors to the scheme. This will ensure the development will become a natural extension to the existing settlement, celebrating the towns character, history, and existing landscape.”

The Design and Access Statement goes on to summarise the design principles and concept as follows:

‘» Built form will be set back from the boundaries of the site to ensure retention of existing landscape. In particular, dwellings along the eastern and western boundaries have been set back further to provide for a linear area of green space to help soften the streetscape.

» Strengthen the western and eastern landscape boundary with additional tree planting.

» A legible and connected structure of perimeter blocks will clearly define public and private space.

» Create a legible route through the site from Orchard Vale, for both pedestrian/ cycle and vehicles.

» The arrangement of dwellings, plots and streets will be based on best practice urban design principles. Dwellings will front on to streets and open space wherever possible, ensuring the provision of a safe and active development that benefits from good levels of natural surveillance.

» The aesthetic and character of the development will be informed by positive elements of existing built form in Midsomer Norton identified in Section 2.10.’

The design is further justified in the Design and Access Statement thus:

‘THE DESIGN

The main vehicular and pedestrian access will be off Orchard Vale, pedestrian routes through the site are incorporated into the masterplan, linking the development with the open space.

The scheme will feature a short Primary Street access arrangements which will then revert to a more pedestrian and cycle friendly shared surface arrangement.

Key spaces and corners are framed with focal buildings.

An area of public open space to the eastern and northern boundaries provides an area for informal recreation. There will be provision of a play area within the site which has active frontage on all sides to provide natural surveillance.

A sustainable drainage solution is provided for the development, with a surface water attenuation basin providing temporary storage for surface water runoff.

Existing landscape to boundaries will be retained where possible and existing gaps in hedgerows in-filled with new native hedgerow planting. Tree planting and front garden planting will give the development a distinctive green character.

All homes have allocated off street parking and/or garages. A percentage of designated visitor parking spaces are provided throughout the scheme.

There are small parking courtyards for the apartments but otherwise all dwellings have their own private on plot parking where possible.

Existing services retained through the centre of the site.

Development provides a positive frontage and outlook to Underhill Farm and dwelling on Orchard Vale.'

Land should be used efficiently so that housing needs can be met while minimising the need for building on additional greenfield land. Mendip District Local Plan: Part 1 sets out broad guidelines for the net density of new housing development in paragraph 4.44 as follows:

- Sites within towns – 30-40 dwellings per hectare
- Site in rural areas – 25-30 dwellings per hectare

Higher densities will be considered in appropriate locations, where the local context allows and any impacts can be satisfactorily mitigated. The density proposed within the current application is on average 24 dwellings per hectare. This is considered acceptable in this edge of town location. There is sufficient green infrastructure including open space and an informal perimeter walk around the outer edges of the site.

The applicant has confirmed that the overall design approach is an outward facing development. As such, other than one pocket, the public open space is not central to the proposal but on the outside. Dwellings are facing the public open space to reiterate this design approach, and also maximise natural surveillance opportunities. The public open space is generous in size and planting, and includes a footpath route through with play equipment and benches scattered within the site.

The proposal has been subject to design panel review as part of pre application discussions, and detailed design discussions with officers during the life of the previous

planning application. Various changes were agreed as part of the previous application, including:

- A reduction in the quantum of development (now 54, from 60 as originally proposed).
- 1 dwelling moved away from the entrance, leaving a larger area for plot 1 and pedestrian connection to the Greenacres Road Recreation Area to the south.
- Introduction of an area of public space centrally within the development as well as on the edges.
- Reduction in the drainage pond in favour of additional public open space (which has been demonstrated to be acceptable in drainage terms as summarised below), reorientation of properties to face the public open space.
- Amendments to housetypes including more active side elevations.
- Revised layout of apartments to reduce the impact of parking and create a green entrance to the development.
- Relocation of the pumping station
- Enhanced planting on the western boundary in particular.
- Relocation of development away from the western boundary.
- Additional bends introduced in the proposed roads.
- Reconfiguration of parking.

The applicant has been proactive in discussions to try to reach an acceptable design outcome, which has now been achieved.

Affording housing provision in Somerset to offset loss in BANES has been agreed with officers in both authorities. An informal increase in affordable housing provision for BANES within the Somerset site (plots 6 and 7) has also been proposed ('additionality'). Policy compliant 30% affordable housing in Somerset (16 dwellings) has been confirmed.

Varied house types add a level of interest and variety in the proposal, and successfully reflect and enhance the design characteristics of the local area, including a mix of roof forms (gable fronted and gable sided); and material palette (render, buff bricks, recon stone and slate style tiles).

Proposed boundary treatments include 1.8m brick walls in locations most visible from the public realm; closeboard fences in rear gardens; hedging adjacent to the footway connection to the south; and black balltop railings north and east of the northern apartment block.

An element of good design is ensuring the development has good pedestrian and cycle connections with the locality including safe routes to school. The layout, alongside the

highway works proposed, demonstrate that this can be achieved. Further works proposed in the local area are outlined in the highways section of this report below.

Although some parking is not most conveniently located, this must be balanced against other factors and not dominate design. Where parking to the rear of gardens and elsewhere is not immediately adjacent to front doors, paths are provided where possible.

The number of triple parking bays has been significantly reduced following detailed design discussions. Although there are some on the southern part of the proposal, considering the design enhancements made elsewhere in the scheme and the context and scope of development, this is concluded to be acceptable.

Apartments include their own dedicated bin and cycle storage buildings. Houses are proposed to accommodate this within sheds in private gardens.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. In this case, it is not considered reasonable or necessary to remove permitted development rights for design purposes – although outbuilding permitted development rights are recommended to be removed on plots 4-12 for tree protection purposes (see tree section below).

The Designing Out Crime Officer has made a number of comments on the detailed design in relation to reducing crime and fear of crime, with reference to Secured by Design guidance. A condition is recommended to agree lighting details, which will need to be balanced between crime prevention and ecology. Recommended detailed visitor door measures should be noted and followed by the applicant, but inclusion of a condition covering such detail would not meet the national conditions tests. Although the Designing Out Crime Officer has outlined some concerns with potential parking pressures, the proposed parking is in line with the Somerset standards and there have been no objections from the Highway Authority. Finally, the Designing Out Crime Officer has recommended fencing to the rear of plots 5-12, and it has been confirmed on the proposed boundary treatments plan that this is proposed.

A materials condition is recommended to control the finish and ensure the development integrates to its setting.

In conclusion on this matter, the proposal by reason of its design, detailing, 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 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Trees, Woodland and Landscaping:

There is a blanket TPO (ref: M1156) on woodland to the north of the site, which includes ancient trees. There is also high quality woodland to the west of the site as well as high quality and established trees on the eastern and southern boundaries of the site.

The submitted Agricultural Constraints report confirms that T7 on the eastern side of the site should be considered a veteran oak tree *“that should be regarded as an essential ecological habitat in its own right and any adjacent proposals will need to reflect its significance.”* Veteran and ancient trees are protected via paragraph 186 of the NPPF.

The application has been supported by an Arboricultural Constraints Report and an Arboricultural Method Statement (AMS) including a Tree Protection Plan (TPP), and the applicant was involved in detailed discussions with Tree Officers from both Somerset Council and BANES Council as part of the previous application.

The AMS outlines the trees on and near the site, as well as protection measures and methods proposed, including barriers. Veteran tree T7 is shown to be protected, therefore meeting the requirements of the NPPF.

Footpaths are proposed in the root protection areas (RPA's) of trees along the eastern boundary. These are proposed to be constructed using 'no dig' methods in order to protect the trees (Cellweb).

A maintenance corridor is proposed along the southern boundary of the site, and fencing is proposed. In order to further protect these trees/hedges, permitted development rights are proposed to be removed for plots 4-12 which would require a planning application for any outbuilding. The AMS confirms that these trees will be managed and maintained at no more than 6m tall and 4m wide. Management is in line with good practice for tree health and retention - gap filling with native species, amenity screening with neighbouring properties and biodiversity enhancements.

It is also acknowledged that amended layouts have moved development away from trees, and reduced pressure on trees.

The Council's Tree Officer has considered the final proposals and supporting agricultural information (associated with the previous application, which remain unchanged in this resubmission) and has raised no objections to the proposal subject to the inclusion of a condition requiring the AMS and TPP are adhered to, which is recommended accordingly. A further condition is recommended which would require implementation of the protection measures before construction.

A generous planting scheme is proposed, as set out in the Landscape Masterplan as well as detailed planting plans and planting schedule which include new trees, hedging, grassland, bulbs and beds alongside retained trees and vegetation. A Landscape Management and Maintenance Plan has been submitted with the application which includes detailed outlines of planting and maintenance methods for the soft landscaping as well as maintenance arrangements for hard landscaping, including paths, play equipment and seating. All maintenance would be overseen by a management company. A condition is recommended which would require these documents are adhered to.

In conclusion on this matter, the proposal accords with policies DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework, including para 186.

Impact on Residential Amenity:

Policy DP7 of the LP1 states that new development should protect the amenities of neighbouring occupiers and users and provide an adequate standard of amenity for the benefit of future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

It is acknowledged that residential development of the site would have some impact on the amenity of the occupiers of those properties closest to the application site in respect of changing their existing outlook and environment.

Distances from houses are adequate to confirm there is no significant harm to neighbour amenity. Plans show distances well above 21m can be achieved from rear windows of existing properties.

Within the proposed development itself, due to the siting, design and overall layout it is considered that the inter relationship between future occupants and their residential amenity is acceptable. Plot distances and windows are adequately designed in this regard.

A degree of disruption is to be expected from any construction project. Although there would be some inconvenience, this is short term and case law has well established that this alone is not a reason to withhold planning permission.

The application has been supported by a Noise Impact Assessment, prepared by Clarke Saunders, which summarises noise impacts thus:

“1.3 Environmental noise measurements have been undertaken at a location suitably representative of nearby noise sensitive receptors which may be affected by vehicular noise associated with the development.

1.4 These measurements have been used to assess noise levels due to vehicles accessing the development site, based on predicted vehicle trips into and out of the development.

1.5 The assessment suggests that the access road will have a negligible impact on existing noise levels at the existing adjacent residential receptors.”

Based on the context of the site and scale and scope of development proposed, the proposal is concluded to be acceptable in relation to noise impacts, including children using the play park and occupants of the nearby care home. The Environmental Protection team has not objected on the basis of noise impacts.

The Environmental Protection team has recommended a condition requiring a Construction and Environmental Management Plan (CEMP), including construction times. A Construction Traffic Management Plan, including construction times is recommended, which meets the conditions tests.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. In this case, it is not considered reasonable or necessary to remove any permitted development rights for amenity reasons – although outbuilding permitted development rights are recommended to be removed on plots 4-12 for tree protection purposes (see tree section).

In conclusion on this matter, 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 policies DP7 and DP8 of the adopted Local Plan Part 1 (2014), the FNP and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

Underhill Wood is located to the north of the site which is a Local Wildlife Site (LWS), which is made up of ancient woodland habitat. The application site is also within the SSSI Impact Risk Zone. The application site itself includes semi-improved grassland, boundary trees and vegetation and ditches to the eastern and southern boundaries.

The application has been supported by a Landscape Masterplan, Landscape and Maintenance Plan, External Lighting Strategy, Ecological Impact Assessment (EcIA), Biodiversity Briefing Note; Biodiversity Net Gain Report; and External Lighting Strategy.

The EcIA included a phase 1 habitat survey, further surveys for bats and reptiles and an updated walkover survey. This considers the likely impacts of the development on ecological species and habitats nearby as well as those on the site.

In relation to bats, the EcIA confirms the site was being used foraging and commuting by a range of species (10 species recorded):

“The Site was found to be used for foraging and / or commuting by a range of bat species, including lesser horseshoe and greater horseshoe bats. Proposals for the site will retain and protect key habitat for bats at the Site boundaries, in particular by retaining undeveloped buffer zones from the woodland at the northern and western boundaries. A detailed lighting strategy will need to be prepared to ensure that any increase in artificial light does not preclude the Site from continuing to be available for foraging/commuting bats.”

The EcIA recommends a buffer between boundary vegetation, a sensitive lighting plan and installation of bat boxes (one box for every three dwellings).

Following onsite surveys, no evidence of reptiles was found, and the EcIA concludes these are likely absent. As a precaution, the Ecologist has recommended a condition for a reptile mitigation strategy.

Although the EcIA found no evidence of otter on the site, anecdotal evidence of otter has been provided to the council as part of the consultation process. As such, a further condition on otter protections is recommended as a precaution.

In relation to boundary habitats, the EcIA concludes as follows:

“The boundary habitats surrounding the Site were considered suitable for a range of notable species including foraging bats, dormice, nesting birds, and hedgehogs. All surrounding vegetation will be retained and protected with the exception of approximately 9m wide section of scrub at the south-eastern boundary which may be removed to facilitate new access onto the Site. A precautionary method for clearance of this habitat has been recommended to avoid potential impacts on dormice, nesting birds, and hedgehogs.”

The EcIA makes a number of recommendations and proposes a CEMP (Biodiversity) and LEMP are prepared. Other recommendations including vegetation clearance methods to

safeguard dormice; avoiding vegetation clearance in the bird nesting season; installation of bird nesting boxes (one box per dwelling); hedgehog sensitive site clearance; and hedgehog holes in fencing to allow movement through the development.

Following discussions between the Somerset Council Ecologist and the applicant's ecologist as part of the previous application, it has been confirmed that a 10m landscape buffer is proposed along the northern boundary and western boundary to act as a buffer from the LWS. A further 5m buffer along the eastern boundary from the properties in Orchard Vale and High Meadow is also proposed between the tree line and any private gardens (as shown on the Landscape Masterplan).

The Somerset Ecology team is satisfied with the survey work, conclusions and recommendations, and has recommended conditions including for a Construction Environmental Management Plan (CEMP: Biodiversity); Landscape and Ecological Management Plan (LEMP); Biodiversity Monitoring Strategy (to protect the LWS); tree and hedgerow protections through construction; amphibians, reptiles and hedgehogs protection measures; protection measures for badgers; lighting design for bats; tree removal to avoid bird nesting season; felled trees to be first checked for bats; construction procedure for dormice; on site biodiversity enhancements; otters; and reptiles.

The conditions for Construction Environmental Management Plan (CEMP: Biodiversity); Biodiversity Monitoring Strategy (to protect the LWS); badgers; reptiles; and otters have all been included, with minor wording edits to make them more precise etc.

Although a Lighting Strategy has been submitted, this does not appear to have informed the EcIA, and is concluded to be a good starting point but further information and commitment is required. Therefore a lighting condition is recommended. As above, this will need to consider public safety issues as well as bats.

The Landscape and Ecological Management Plan (LEMP) is recommended to be included in the legal agreement, which is now common practice for LEMPs. This is also necessary for the off site biodiversity net gain (see below). Recommended obligations to be included in the S106 include (wording may vary):

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development.

The LEMP shall detail the following:

- a) Details on how the landscape buffers along the boundaries will reduce impacts (including recreational) to Underhill Wood LWS including use of thorny species and retain scrub along the northern boundary to provide a natural barrier. The buffers along the northern and western boundary will be a minimum 10m from*

any development and 5m from the southern and eastern boundary (comprising 5m buffer between the tree line and the private gardens on the southern boundary).

- b) In line with BS42020 standard, where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance.*
- c) Details on how the biodiversity net gain on-site will be managed and secured for a minimum 30 years.*
- d) Details on how the biodiversity net gain off-site will be at least 2.07 hectares, and details of how it will be managed and secured for a minimum of 30 years.*
- e) Description and evaluation of features to be managed.*
- f) Ecological trends and constraints on site that might influence management.*
- g) Aims and objectives of management.*
- h) Appropriate management options for achieving aims and objectives.*
- i) Prescriptions for management actions.*
- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).*
- k) Details of the body or organization responsible for implementation of the plan.*
- l) On-going monitoring and remedial measures.*
- m) The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.*

The approved LEMP will be implemented in accordance with the approved details.

The trees and hedgerow condition recommended by the Ecology team is not included as this would duplicate other conditions as summarised in the Trees and Landscaping section of this report.

The amphibian, reptile and hedgehog condition as recommended by the Somerset Ecologist does not meet the conditions test for enforceability. As precautionary measures are covered in the EcIA, instead a compliance condition is recommended to require the applicant to follow the recommendations in the EcIA.

The nesting bird condition recommended by the Ecologist is covered by other legislation, therefore an informative is included instead, reminding the developer of their statutory obligations in relation to nesting birds.

The dormice condition recommended by the Somerset Ecologist does not meet the enforcement test. As precautionary methods for checking for and protecting dormice are covered in the EcIA, this is also covered by the condition requiring compliance with the EcIA recommendations.

The onsite biodiversity enhancements condition recommended by the Somerset Ecologist go beyond the recommendations in the EcIA. These include greater detail on the bird and bat boxes and hedgehog fencing holes, and introduce further measures including bee bricks on 20% of the dwellings and three log piles. These are considered reasonable inclusions and the condition is recommended accordingly, although wording is amended and the requirement to submit details to the Local Planning Authority has been removed.

The requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered. It is Natural England's advice that the proposal is not directly connected with or necessary for the management of any European sites. It must therefore be determined whether the proposal is likely to have a significant effect on any European site, without considering any 'measures' intending to avoid or reduce harmful effects of a plan or project on a European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Given the conclusions of the Ecologist, it is considered that there is no likely significant effect on the European Site. It is also noted that the application site is outside of the Bat Consultation Zone.

Biodiversity Net Gain:

There is a national policy requirement for 10% net gain and the applicant has committed to this. Due to the constraints of the site this is proposed off site, as outlined in the submitted Biodiversity Net Gain Report (BNGR) prepared by Clarkson and Woods. Land circa 95m west of the application site has been identified and proposed gains are summarised in the BNGR thus:

“3.4.1 In order for the scheme to achieve a 10% net gain in Habitat Units, it is proposed to enhance the Modified Grassland within Fields 1-3 and establish Other Neutral Grassland in at least ‘moderate’ condition. The Proposed Habitats Plan for the off-site land is provided in Annex D. This can be achieved through the cessation of intensive agricultural management and preparation of the land to create a disturbed sward with significant bare ground through (cutting/grazing and scarifying) to provide a suitable seedbed. Subsequently, an appropriate and diverse seed mix/green hay source can be sown or spread within the fields. The land can then be managed through a low-intensity hay-cutting or grazing regime, which over

time will encourage the development of a species-rich and structurally diverse sward.

3.4.2 It is proposed that the details of the creation and management of Other Neutral Grassland within the off-site land will be set out within a Landscape and Ecological Management Plan (LEMP) prepared for the scheme. The LEMP must set out long-term management prescriptions, a monitoring schedule to enable progress to be measured against the target habitat type and condition, and mechanisms by which monitoring will be reported and remedial action implemented. The enhanced off-site land must be secured for a minimum of 30 years and the management and monitoring prescriptions set out with the LEMP must reflect this.

3.4.3 Prior to finalisation of any management plan, soil investigations would be essential to ensure appropriateness of seed mix/establishment techniques and promote a high likelihood of success. The seed mix would be selected to reflect the soil type, pH and nutrient levels in order to maximise the prospect of successful establishment.”

Following discussion with the applicant’s ecologist, this approach has been agreed by the Somerset Ecologist. This is proposed to be formalised in the S106 legal agreement, including the agreement of the LEMP (as set out above), setting out implementation and management measures, and retention for at least 30 years in line with guidance.

Ecology Conclusion:

Subject to the inclusion of conditions and obligations as recommended, the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Housing Mix:

LP1 policy DP14: Housing Type requires a suitable mix of types and sizes of dwellings. The proposed mix of this overall development (including BANES site) would be:

- 6 x 1 bed apartments
- 10 x 2 bed houses/apartments
- 26 x 3 bed houses
- 12 x 4 bed houses

The Housing Enabling team has not objected on the basis of the mix proposed.

The mix of the development is considered to be acceptable and in compliance with Policy DP14 of the LP1.

Affordable Housing:

Adopted LP1 Policy DP11 sets out an expectation that 30 per cent of the dwellings should be affordable and provided on site. In this case the following affordable housing units are proposed:

Somerset:

- 3 x 3 bed houses; shared ownership; plots 2,3,4
- 6 x 1 bed apartments; social rent; plots 13,17,18,46,50,51
- 6 x 2 bed apartments; social rent; plots 14,15,16,47,48,49
- 1 x 4 bed house; social rent; plot 5
- 16 in total, which is 30%

BANES:

- 2 x 3 bed houses; social rent; plots 1 (in BANES) and 8 (in Somerset)
- 2 x 4 bed houses; plots 6 and 7 (in Somerset); offered as 'additionality' (see below).

The Housing Enabling Team has confirmed that First Homes are not required in this case, instead affordable housing provision in Somerset should include 20% shared ownership and 80% social rent, as broadly proposed, which would better meet local needs.

The Housing Enabling Officer has discussed the proposals with counterparts in BANES and confirmed the proposed affordable housing provision in both Somerset and BANES are acceptable. This is proposed to be controlled by legal agreement(s).

The delivery of plots 6 and 7 as affordable housing for BANES within Somerset outside the scope of the S106 legal agreement is known as 'additionality' which is sometimes referred to when affordable housing is delivered beyond policy requirements, and can facilitate greater delivery of affordable housing due to funding mechanisms. At this time there is no formal mechanism to secure these units as affordable so, notwithstanding these are to benefit the BANES affordable housing supply, they cannot carry any weight in the planning balance for either scheme. Nevertheless, the application is considered acceptable in this regard. Significant weight is added to the delivery of affordable housing in Somerset (16 units). Significant weight is also added to the delivery of market dwellings in Somerset (at least 34 market dwellings).

It is understood that it is no longer best practice to 'pepper pot' affordable housing, but to 'cluster' it to allow for maintenance and management efficiencies. The layout of the proposed affordable housing is suitably clustered. The design and materials make it

sufficiently indistinguishable from market dwellings. The Housing Enable Team has not raised concerns in this regard.

In conclusion on this matter, the proposal accords with the requirements of DP11 and the NPPF in relation to affordable housing provision.

Assessment of Highway Issues:

The proposed access would be within BANES, and is subject to a separate planning application (24/00662/FUL). A suite of highway documents has been submitted, including a Transport Assessment Addendum including proposed local highways improvements and results of on-street parking analysis. Highways officers at BANES and Somerset have not objected to the proposal, subject to conditions and obligations.

The proposal includes a footpath through the landscaped areas of the site, to enhance pedestrian movements, public health and opportunities for public interactions. Following discussion with the applicant, a footpath connection is also proposed to the south of the site allowing for safe and convenient connection to the community hall and play park. This is a noted benefit of the scheme.

Following the submission of an updated travel plan, the applicant has confirmed the travel plan measures as follows:

“A comprehensive Travel Plan has been prepared which includes (amongst other measures) provision of:

- *Travel Information packs to be distributed to 3 tenures of each dwelling for the duration of the monitoring period;*
- *Green Travel Vouchers to allow residents to purchase items related to sustainable travel, for example walking equipment or bus season tickets, available to 3 tenures of each dwelling;*
- *High Speed broadband to each dwelling to facilitate homeworking as an alternative to travel;*
- *Electric vehicle charging points for all those properties with on plot allocated spaces and 10% of unallocated parking spaces.”*

The Somerset Highway Authority has reviewed the application, including the travel plan, and raised no objections to the proposal on highway safety, highway capacity or parking.

The proposed estates road would be subject to a separate process for adoption by the Highway Authority. Although minor issues have been raised, it is concluded that detailed design would likely result in successful adoption. If not, the internal estates road would be

a private road maintained by the developer, and subject to the Advanced Payment Code, which would see standards are met.

There have been no objections from statutory consultees on access by emergency services vehicles or gritters. The proposal is considered acceptable in this regard.

Mitigation / Off Site Improvements:

The applicant has agreed to pay the costs associated with a potential Traffic Regulation Order (TRO) which would see parking restrictions potentially introduced locally (within BANES). As TRO's are subject to separate legislation and implementation mechanisms, it is not possible to confirm at this stage whether the TRO will be implemented, but the applicant covering the costs to scope this is considered reasonable. This is recommended to be included as part of the S106 legal agreement, with £4,351 going to BANES to cover this work.

The applicant has also agreed to pay for local bus stop enhancements along Paulton Road. This includes a new shelter at the northbound Pine Wood Road stop and real time information (RTI) upgrades at two Orchard Avenue stops. £32,982 is proposed to be set out in the legal agreement paid to BANES.

The applicant has proposed a number of uncontrolled pedestrian crossings (Drawing 1652-003 Rev B) containing dropped kerbs and tactile paving, within a 500m radius of the site location, in order to improve connections to local the local network. This is also proposed to be included in a legal agreement with BANES.

A further contribution of £86,995.50 is proposed in BANES towards the Somer Valley Enterprise Zone Cycleway. This is a proportionate total when other developments are taken into account.

Parking:

As the application is proposing development on the edge of Midsomer Norton, it is concluded appropriate to consider the site against the Somerset parking strategy standards for the amber zone (B). This requires 1.5 spaces per 1 bed dwelling; 2 spaces per 2 bed dwelling; 2.5 spaces per 3 bed dwelling; and 3 spaces per 4 bed dwelling.

The table below sets out the policy requirements for parking for each plot, the parking proposed and the differences. This confirms that proposed parking is broadly in line with policy requirements.

Table 1: Parking

Plot	Bedrooms	Parking				
		Policy Requirement	Open	Garage	Total Proposed	Difference
1	3	2.5	2	0	2	+0.5
2	3	2.5	2	0	2	+0.5
3	3	2.5	3	0	3	-0.5
4	3	2.5	3	0	3	-0.5
5	4	3	3	0	3	0
6	4	3	3	0	3	0
7	4	3	3	0	3	0
8	3	2.5	3	0	3	-0.5
9	3	2.5	2	0	2	+0.5
10	3	2.5	3	0	3	-0.5
11	3	2.5	3	0	3	-0.5
12	3	2.5	2	0	2	+0.5
13	1	1.5	2	0	2	-0.5
14	2		2	0	2	-2
15	2	2	2	0	2	0
16	2	2	1	0	1	+1
17	1	1.5	1	0	1	+0.5
18	1	1.5	1	0	1	+0.5
19	3	2.5	3	0	3	-0.5
20	3	2.5	2	1	3	-0.5
21	3	2.5	3	0	3	-0.5
22	4	3	2	1	3	0
23	4	3	2	1	3	0
24	3	2.5	2	0	2	+0.5
25	2	2	2	0	2	0
26	2	2	2	0	2	0
27	3	2.5	3	0	3	-0.5
28	3	2.5	2	0	2	+0.5
29	2	2	2	0	2	0
30	2	2	2	0	2	0
31	3	2.5	2	1	3	-0.5
32	3	2.5	2	1	3	-0.5
33	4	3	2	1	3	0
34	4	3	2	1	3	0

35	4	3	2	1	3	0
36	3	2.5	2	1	3	-0.5
37	4	3	2	1	3	0
38	3	2.5	2	1	3	-0.5
39	3	2.5	2	1	3	-0.5
40	3	2.5	2	0	2	+0.5
41	3	2.5	2	0	2	+0.5
42	4	3	2	1	3	0
43	4	3	2	1	3	0
44	4	3	2	1	3	0
45	3	2.5	2	0	2	+0.5
46	1	1.5	2		2	-0.5
47	2	2	2		2	0
48	2	2	1		1	+1
49	2	2	1		1	+1
50	1	1.5	1		1	+0.5
51	1	1.5	1		1	+0.5
52	3	2.5	2	0	2	+0.5
53	3	2.5	2	0	2	+0.5
54	3	2.5	2	0	2	+0.5
		TOTALS	112	15	127	+1

The Somerset Parking Strategy also requires 0.2 visitor spaces per dwelling. For 54 dwellings this equates to 10.8 spaces. 10 visitor spaces are proposed through the development, which is broadly in line with policy requirements. These spaces are suitably located throughout the development.

Many local residents have referred to existing on street parking pressures in the area. The applicant has submitted the results of on street parking analysis and concluded there is on street parking capacity and, as the proposal meets Somerset Council's parking standards, the proposed development is not anticipated to create further on street parking pressures locally.

Although only 15 garages are proposed across the whole development, a further condition is recommended which would require garages are only used for storage of vehicles and domestic storage, to reduce pressures on on-street parking.

Highways Pollution:

Although temporary construction vehicle movements and then ongoing vehicle movements would increase vehicle emissions, due to the scale and nature of development, this would not warrant refusal of the application.

Conclusion on Highways Matters:

As above, the access is subject to a separate planning application to be determined by BANES. This application is recommended for approval subject to a Grampian condition requiring the access to be delivered. In the event the access is not supported by BANES (and potentially a subsequent planning appeal), the application scheme could not be implemented.

A suite of other highways conditions is recommended including highways estates road; delivery of access, parking and turning area provision for each dwelling; construction traffic management plan; electric vehicle charging; garages for private motor vehicles and ancillary storage only; bicycle storage provision; and provision of footpaths.

The highway authority has concluded the submitted travel plan is acceptable to determine the planning application. Due to the scale of development proposed, a full travel plan is required, which is recommended to be included in the legal agreement.

In conclusion on this matter, the highway safety and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Public Right of Way:

There are no public rights of way within the site or immediately adjacent. Route CL19/27 is located circa 350m to the north west. Following review of the LVIA, it is concluded that impacts on leisure routes and views are acceptable in this case.

Archaeology and Conservation:

The site is not within an area of high archaeological potential, and there are no listed buildings, scheduled monuments or conservation areas nearby. The application has been supported by an Archaeological Desk Based Assessment, prepared by RPS, which confirms the site has low potential for archaeological remains. Given the previous agricultural use of the site and the lack of designation or nearby designations, this conclusion is agreed.

The proposal is therefore acceptable in this regard.

Land Drainage:

The application site is in flood zone 1, which is an area deemed by the Environment Agency as having a probability of flooding of greater than 1:1000 years and meaning it is acceptable for development in principle drainage terms.

As the application site is greater than 1ha, a Flood Risk Assessment (FRA) accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. This has been assessed by the Lead Local Flood Authority (LLFA). Wessex Water commented on the previous application, confirming agreement in principle (subject to detailed formal agreement outside the planning process).

Amendments were made through the life of the previous application to reduce the size of the attenuation pond on the northern part of the site in order to enhance the public open space. The applicant prepared and submitted updated drainage information accordingly, which has been subject to review and discussions with the LLFA. This includes an updated drainage strategy and a revised FRA, which confirms the following:

“The site is located outside of the 1,000-year flood plain and is therefore classed as Flood Zone 1.

Surface water runoff from the site will drain via gravity to a unnamed watercourse along the eastern boundary at the Q_{bar} rate of 7.2l/s.

The surface water drainage network will be designed for up to and including the 1 in 100year event plus 45% allowance for climate change and an additional allowance of 10% for Urban Creep. A new detention basin will be provided with an approximate attenuation volume of approximately 740m³ depending on the ultimate total impermeable area.

The proposed foul water flows from the site will drain via gravity to a new foul pumping station via a new 150mmØ foul sewer. The point of discharge will be within the new access road and has been agreed with Wessex Water.

The proposed residential development is located entirely within Flood Zone 1. Therefore, on the basis of land use vulnerability, the development should be deemed appropriate in planning policy terms in its proposed location.

The SuDS hierarchy has been followed to determine the most suitable point of connection. With infiltration not being possible, the proposed surface water network will discharge to the existing watercourse on the eastern boundary.”

The LLFA has confirmed it has no objections to the proposal, subject to the inclusion of conditions for detailed design of drainage and maintenance. Installation and maintenance of SUDS features is also recommended to be included within the legal agreement.

Foul drainage is controlled by building regulations and formal agreements with Wessex Water which sit outside the planning process. As such a foul drainage condition is not required.

Although some neighbour comments have stated the site is on the flood plain, it is confirmed that site is entirely within flood zone 1, which is not the flood plain.

Some neighbour comments have stated the attenuation basis has reduced in size since the previous application. As outlined above, this changed through the negotiation of the previous application and is concluded to be acceptable.

It is understood the proposed pumping station would be offered for adoption by Wessex Water. As such, it would be subject to detailed assessment and agreement processes; and, if adopted, would be monitored and maintained by Wessex Water in line with all other similar infrastructure.

In conclusion on this matter, the proposed development would not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 14 of the National Planning Policy Framework.

Sustainability and Renewable Energy:

Policy DP7 of the LP1 requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques; the use of sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; and new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The previous application proposed solar panels on each property, but also gas boilers. Following discussion by the Planning Committee on this, the revised application has sought to increase this offer. In an updated Energy and Sustainability Statement, the revised application now proposes air source heat pumps as well as solar PV panels on each dwelling, in addition to fabric first measures. The applicant has committed to at least 70% carbon reduction compared to Part L of the building regulations (2021).

Conditions are recommended to require compliance with the submitted sustainability statement; require solar panels on the roof of each dwelling; and require an air source heat pump on each dwelling. In order to ensure the air source heat pumps do not create noise

concerns, the recommended condition requires enclosures for each, or the submission of a noise assessment.

Electric vehicle (EV) charging is recommended via condition. Although some provision is required under building regulations, the technical specification is set out in the Somerset EV Strategy, which goes beyond building regulations.

A further condition for water efficiency is proposed, to ensure that each dwelling is provided with rainwater harvesting measures such as water butts.

In conclusion on this matter, the proposal has been enhanced since the previous decision. Now, in addition to fabric first measures and solar panels, air source heat pumps are also proposed. This exceeds policy requirements as is considered acceptable.

Public Open Space:

Policy DP16 Open Space and Green Infrastructure of LP1 and supporting text requires that proposals for new residential development make provision for different open space typologies. The final public open space proposals include areas to the edge of the development as well as a pocket area more centrally. These areas include footpaths through the site and connecting the neighbouring community hall and play park. Play equipment and benches are proposed to be scattered across the development. Overall, the design and layout are considered to accord with relevant design policy. There are opportunities for community interactions, overlooked and green areas of green infrastructure which allow the design approach of an outward looking development to be achieved.

DP16 requires development to make provision for formal public open space (POS) on the basis of the National Playing field Association's (NPFAs) long standing standard of 2.4ha of new space per additional 1,000 people. Based on this standard and an average dwelling occupancy of 2.3 persons per dwelling, this equates to approximately 124 people living on site (2.3 persons x 54 dwellings) meaning that the required area of POS, based on the proposed population of the development, is 0.3ha (2.4ha/1000 x 124). The area of public open space proposed is approximately 0.7ha, which is in excess of this requirement.

In order to secure the ongoing management of the public open space within the site, the S106 should also secure the inclusion of a Landscape Ecological Management Plan (LEMP).

'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 does not include a LAP or LEAP.

As noted above, the site is located on the boundary with BANES and the future occupiers of the development are likely to use local green spaces within the BANES area, particularly the Greenacres Recreation Ground which abuts the south east corner of the site.

BANES Green Space Strategy 2015 has been considered by the BANES Parks and Recreation Team. Here it is confirmed that a contribution of £111,945.60 is agreeable for enhancement and maintenance of greenspace in the local area. This may be delivered on play equipment for older children and horticultural enrichment of the Greenacres Recreation Ground site.

Given where this application is site located, and where the impact will be felt, no further contributions are required for public open space above the on site provision and £111,945.60 to be secured to BANES by S106.

In conclusion on this matter, with on site provisions and off site contributions towards greenspace improvements spaces within BANES, the development is considered acceptable in relation to public open space and compliant with DP16.

Impacts on Health and Well-Being:

The proposal, including traffic associated with construction and occupation, is not considered harmful to the health of nearby occupants or future occupants to warrant refusal of the application.

This proposal has been considered in relation to paragraphs 96 and 97 of the NPPF including promoting social interaction, safe and accessible places, community cohesion and healthy lifestyles to address local health and well-being needs, and is concluded to be acceptable in this regard.

Refuse Collection:

The proposed plans show the dwellings would have sufficient room to store waste containers.

The application has been considered by the highway authority in relation to access for waste trucks to access and manoeuvre within the site, and the proposal is concluded to be acceptable.

Following comments from the Somerset Waste Partnership as part of the previous application, which recommended individual wheelie bins and shelves for the flats, a condition is recommended which would see details of waste storage for the flats to be submitted to and agreed to the Local Planning Authority prior to their occupation.

As such, the application is concluded to be acceptable in this regard.

Contaminated Land:

The application has been supported by a desk based land contamination report which concludes there is a possibility of contamination due to historic agricultural uses on the site.

The Contaminated Land Officer has reviewed the application and it is agreed that due to the historic agricultural use of the site, there is some risk of contamination. The four standard contaminated land conditions are therefore recommended. As such, the application is considered acceptable in this regard.

Coal:

The Coal Authority has confirmed the site is within the defined Low Risk Area. An informative is recommended reminding the applicant of reporting protocols in the event unexpected coal mining features are encountered during construction.

The proposal is concluded to be acceptable in this regard.

BANES Targeted Training and Recruitment:

Policy in BANES requires a contribution towards Targeted Training and Recruitment. As the site is on the edge of Midsomer Norton, it is reasonable to include this contribution payable to BANES. BANES officers have confirmed this totals £3,685. This will be included in the S106 legal agreement.

Planning Obligations:

In accordance with LP1 Policy DP19, the proposed development triggers obligations in Somerset in the following regards:

Somerset Planning Obligations

- Affordable housing (30%):
 - 3 x 3 bed houses; shared ownership; plots 2,3,4

- 6 x 1 bed apartments; social rent; plots 13,17,18,46,50,51
- 6 x 2 bed apartments; social rent; plots 14,15,16,47,48,49
- 1 x 4 bed house; social rent; plot 5
- 16 in total, which is 30%
- Travel plan.
- £57,480 for transportation of secondary school children to The Blue School in Wells.
- Management company including maintenance of communal areas.
- Programme of implementation and compliance.
- SUDS delivery and maintenance.
- Off site 10% biodiversity net gain.
- Landscape and Ecological Management Plan – including management of off site biodiversity net gain.

The following obligations have also been agreed to be provided in BANES:

BANES Planning Obligations

- Affordable housing:
 - 2 x 3 bed houses; social rent; plot 1 (in BANES) and plot 8 (in Somerset).
- £4,351 for a Traffic Regulation Order.
- £32,982 for bus stop enhancements including a new shelter at the northbound Pine Wood Road stop and RTI upgrades at two Orchard Avenue stops.
- £80,955.75 contribution towards the Somer Valley Enterprise Zone Cycleway.
- £111,945.60 off-site green space contribution to be applied towards the enhancement and maintenance of green space within the vicinity of the development.
- £3,685 - Targeted Training and Recruitment contribution.

If the application is approved these matters can be secured via a legal agreement. The scope of the legal agreement has yet to be confirmed. It is likely this will either include both Somerset Council and BANES as signatories; or it will include a clause prohibiting commencement of development until the developer has signed a legal agreement with BANES covering these matters.

Given the LP1 policy requirements and infrastructure needs arising from the development all of the above obligations are necessary to make the development acceptable in planning terms, 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).

Ston Easton Parish Council has requested obligations towards Clapton Village Hall. Due to the location of the site, the obligations as agreed are considered reasonable and necessary to make the development acceptable. Further contributions towards Clapton Village Hall have not been secured as this would not meet the tests.

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

Cross Boundary Considerations:

An important consideration is the 'duty to co-operate'. Although relating primarily to Local Plan production, the NPPF advises that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities, including the homes and jobs needed in the area and provision of community facilities.

BANES' objection to the development has been considered. This focusses, amongst other things, on Midsomer Norton's job/homes imbalance. Officers have liaised with BANES Officers and the applicant to secure measures to improve the sustainability of the site. Given its location on the edge of Midsomer Norton, it is readily accepted that any pressures on infrastructure from the development will be more significant in Midsomer Norton and surrounding area within BANES than within Somerset. For this reason, the infrastructure impacts and contributions have been agreed jointly between BANES and Somerset. These matters have been addressed within the report, and it is noted that the BANES Highways Officer has not objected to the scheme.

Financial obligations have been agreed and will be secured through a S106 between BANES and the applicant, as outlined above.

Other Matters:

The following is offered in response to neighbour and parish council comments as part of this and the previous application not covered elsewhere in this report:

- Ston Easton Parish Council has requested a review and of the drainage in the village of Clapton and strategic drainage approach as part of this application. This is beyond the scope of this application, or the obligations of the applicant.
- Some neighbours have requested comments from Natural England. Comments from Natural England have been received (no objection) and are summarised in this report.

- This recommendation has taken into account other relevant planning decisions. Each application is considered on its merits.
- If approved, the legal agreement would include a management company, who would manage the site including communal areas.
- Any fly tipping would be subject to the same controls as any other site.
- It is understood that 26 and 28 Orchard Vale are owned by Curo (the applicant), who would manage rehoming the occupants.
- It is noted that the site is not within the green belt or within an Area of Outstanding Natural Beauty.
- Loss of private views and property values cannot be considered in the planning balance.
- Each planning application is considered on its own merits. It is not considered approval of this proposal would set a precedent.
- Although building new dwellings may be seen by some as undermining climate change commitments, the government has set out national planning policies around tackling the housing crisis, and these should be delivered in the most sustainable location possible. In this case, immediately adjacent to a town is considered a sustainable location.
- Neighbour comments have outlined concern at the loss of green space, which some use for walking, dog walking, etc. It is noted that the site is private land, and there is no community right to access the site. Although not prominent in public views, loss of this green space in relation to character and appearance must be weighed in the planning balance.
- Consultation comments stating the proposed dwellings would be too small are noted. The dwellings have been considered against relevant policy and are considered acceptable in this regard.

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.

Environmental Impact Assessment:

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

Conclusion and Planning Balance:

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

It is accepted that the site is not specifically allocated to accommodate new housing. However as the Council cannot demonstrate a 5 year land supply and the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies (the 'tilted balance'). This advises that permission should 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.

Following the submission of additional information as part of this resubmitted application, it has been demonstrated that the site is sustainable in relation to access to services and facilities, including education and health services.

Further, the revised application includes a greater commitment to carbon reduction measures, above policy requirements.

The application proposals would deliver simultaneously, economic, social and environmental benefits. Whilst limited in time, the development would generate economic benefits through the construction period. Economic benefits would also be associated with the future spending of occupants of the development in local shops and services and council tax receipts.

The provision of 52 homes (or 50 homes if plots 6 and 7 are transferred to BANES as affordable units), including 16 affordable units in Somerset, is given significant weight in the planning balance, particularly in the context of the significant lack of 5 year land supply in the district. Public open space and ecological enhancement measures above Somerset Council's policy requirements are also provided which will offer potential biodiversity enhancements.

The proposals have been developed to achieve a sustainable extension to Midsomer Norton in relation to the services and facilities that future occupiers will need to access. It is noted however that some harm will be caused to the imbalance of jobs and homes in the area, but this would in part mitigated by the local infrastructure improvements. Whilst there

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

Overall, the adverse impacts identified are not considered to significantly and demonstrably outweigh the benefits. In accordance with para 11 d of the Framework, the application is therefore recommended for APPROVAL, subject to a number of conditions and planning obligations secured by legal agreement(s).

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, all received on 19.02.2024 unless stated otherwise:

0768-C-P-0300 D - DRAINAGE STRATEGY SHEET 1
0768-C-P-0301 D - DRAINAGE STRATEGY SHEET 2
0768-C-P-0302 D - DRAINAGE STRATEGY SHEET 3
0768-C-P-0305 D - DRAINAGE AREAS PLAN
0768-C-P-0330 E - ENGINEERING LEVELS SHEET 1
0768-C-P-0331 E - ENGINEERING LEVELS SHEET 2
0768-C-P-0332 E - ENGINEERING LEVELS SHEET 3
0768-C-P-0340 D - HIGHWAY ADOPTION PLAN
0768-C-P-0350 D - HIGHWAY MATERIALS LAYOUT
0768-C-P-0370 D - VEHICULAR TRACKING
0768-C-P-0381 B - DRAINAGE CONSTRUCTION DETAILS SHEET 1
0768-C-P-0382 A - DRAINAGE CONSTRUCTION DETAILS SHEET 2
0768-C-P-0390 B - FOUL MANHOLE SCHEDULE
0768-C-P-0391 B - STORM MANHOLE SCHEDULE
0768-P-D-0360 B - ROAD & DRAINAGE LONGITUDINAL SECTIONS SHEET 1

0768-P-D-0361 B - ROAD & DRAINAGE LONGITUDINAL SECTIONS SHEET 1
 1652-001 K - PROPOSED SITE ACCESS ARRANGEMENT OPTION A
 1652-SPA-001 F - PROPOSED SITE ACCESS SWEEP PATH ANALYSIS
 3063-5-2 DR-5000 S4-P6 - LANDSCAPE MASTERPLAN
 3063-5-2 DR-5100 S4-P6; 3063-5-2 DR-5101 S4-P6; 3063-5-2 DR-5102 S4-P6;
 3063-5-2 DR-5103 S4-P6 - SOFTWARES PROPOSALS (SHEETS 1-4)
 3063-5-2 DR-5104 S4-P6 - HARD SURFACE, FURNITURE AND PLAY PROPOSALS
 PL-03 REV N - Planning Layout
 PL-04.REV C - Materials Layout
 PL-04.1 REV B - Boundary Treatments
 35197 PL-05 REV C - ADOPTION LAYOUT
 PL-06 C - Storey Heights Layout
 PL-07C - Refuse Strategy Layout
 35197 SE-01A - Site Sections
 35197 SS-01A - Street Scenes
 A125/12033/1A REV C; A125/12033/1B REV C - TOPOGRAPHICAL SURVEY
 D14 437 02 P4 REV D - Tree Protection Plan
 HT-APT-01A - Apartment 1 Housetype Elevations - plots 13-18
 HT-APT-02A - Apartment 1 Housetype Floorplans - plots 13-18
 HT-APT-03A - Apartment 2 Housetype Elevations - plots 46-51
 HT-APT-04A - Apartment 2 Housetype Floorplans - plots 46-51
 HT-ASHS-01 - Housetype - Ashton Side - plots 23, 33, 35, 43
 HT-AVE-01 - Housetype - Avebury 1 - plots 24, 45, 52
 HT-AVE-02 - Housetype - Avebury 2 - plot 27
 HT-AVE-CT01 - Housetype - Avebury Corner Turner 1 - plot 12
 HT-AVE-CT02 - Housetype - Avebury Corner Turner 2 - plot 28
 HT-AVE-CT03 - Housetype - Avebury Corner Turner 3 - plots 41, 54
 HT-BECK-01A - Housetype - Beckford - plots 3, 4
 HT-BECK-02 - Housetype - Beckford Special - plot 2
 HT-BIN&CYC-01 - BIN & CYCLE STORE
 HT-CLIF-01 - Housetype - Clifton - plots 34, 37, 44
 HT-COT-01A - Housetype - Cotswold - plots 6, 7
 HT-GAR-01 - Garages
 HT-KEN-01 - Housetype - Kensington 1 - plot 1 (within BANES)
 HT-KEN-02 - Housetype - Kensington 2 - plot 8 (within Somerset, nomination rights to BANES)
 HT-PEN-01 - Housetype - Pensford - plots 20, 31, 32, 36, 38, 39
 HT-PUL-01 - Housetype - Pultney - plot 5
 HT-THO-01 - Housetype - Thomas - plots 25, 26, 29, 30
 HT-WTBG-01 - Housetype - Westonbirt Gable Fronted - plots 9, 10, 11, 19, 21
 HT-WTBG-02 - Housetype - Westonbirt Eaves Fronted - plots 40, 53
 OVCURO001- EXISTING ELEVATIONS - 26-28 Orchard Vale

OVCURO002 - EXISTING FLOOR PLANS - 26-28 Orchard Vale
OVCURO003 - EXISTING FLOOR PLANS AND ELEVATIONS - 26-28 Orchard Vale
PL-01 - Site Location Plan
PL-01.2 - Site Location Plan Mendip
PL-01.1 - Site Location Plan BANES
HT-ASHF-01 - Housetype - Ashton Front - plots 22, 42
D14 437 02 03 Arboricultural Method Statement
DR-5104-P6 - HARD SURFACE, FURNITURE & PLAY PROPOSALS - received
24.04.2024

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

3. **Access (Grampian)**

No development shall take place until it has been demonstrated and agreed in writing with the local planning authority at Somerset Council that planning permission has been granted for the site access within the Bath and North East Somerset administrative area.

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

4. **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).

5. **Erection of Means of Enclosure (Compliance)**

No dwelling shall be occupied until its associated screen walls/fences or other means of enclosure have been erected in accordance with the approved plans and thereafter retained.

Reason: In the interests of privacy and/or visual amenity in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

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

7. **Access, Parking and Turning Areas (Pre-Occupation)**

No individual dwelling shall be occupied until it is served by a properly bound and compacted footpath, carriageway and turning space(s) where applicable to at least base course level between the dwelling and the highway. The vehicular access, parking and turning areas 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 the development is served by an adequate means of access in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Construction Traffic Management Plan (Pre-Commencement)**

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

- a) Construction vehicular routes to and from site.
- b) Expected number of construction vehicles per day.
- c) The parking of vehicles of site operatives and visitors.
- d) Locations for loading/unloading and storage of plant, waste and construction materials.
- e) Storage of plant and materials used in constructing the development.
- f) Wheel washing facilities.
- g) Measures to control the emission of dust and dirt during construction.
- h) Delivery and construction working hours.
- i) Specific measures to be adopted to mitigate construction impacts in pursuance

of the Environmental Code of Construction Practice.

- j) A scheme to encourage the use of public transport amongst contractors.
- k) 24 hour emergency contact number.
- l) Measures to protect vulnerable road users (cyclists and pedestrians).
- m) Any necessary temporary traffic management measures.
- n) Arrangements for turning vehicles.
- o) Arrangements to receive abnormal loads or unusually large vehicles.
- p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- q) A waste disposal policy (to include no burning on site);
- r) Confirmation no noise generating construction activities shall not occur outside of the following hours:
 - Mon to Fri 08:00-18:00
 - Sat 08:00-13:00
 - All other times, including Sundays, Bank and Public Holidays there shall be no noise generating activities.
 - All other times, including Sundays, Bank and Public Holidays there shall be no noise generating activities.

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District

Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

9. **Electric Vehicle Charging (Pre-Occupation)**

No dwelling shall be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies

2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

10. **Garage Use (Compliance)**

The garages hereby approved shall be retained for the garaging of private motor vehicles associated with the dwelling and ancillary domestic storage and for no other purpose.

Reason: To ensure adequate off-street parking provision is retained in accordance with policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014).

11. **Bicycle Storage (Pre-Occupation)**

No occupation of any individual dwelling shall commence until secure and accessible bicycle storage in accordance with the Somerset Council standards has been provided.

The bicycle storage shall be retained permanently thereafter.

Reason: To ensure that sufficient bicycle storage is provided to serve the approved development in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Footpaths (Pre Occupation)**

Public footpaths within the areas of open space shall be implemented as shown on Layout Plan PL-03N received 11.10.23 prior to occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority.

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

13. **Sustainable Surface Water Drainage Scheme (Pre-Commencement)**

No development shall be commenced until details of the sustainable surface water drainage scheme for the site, along with 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 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 and the Flood and Water Management Act (2010). The development shall include measures to control and attenuate surface water. Once approved, the scheme shall be

implemented in accordance with the approved details and maintained at all times thereafter.

This shall include:

a. Drawing(s) 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 should be considered as part of a 'SuDS management train' approach to provide resilience within the design which shall include source control and conveyance.

b. Detailed, network level calculations demonstrating the performance of the proposed system including:

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

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

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

iv. Results as a summary for each return period (as opposed to each individual storm event).

v. 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.

c. Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific and include cross sections, design information, structural information and details on the risk of failure including location of exceedance and sensitive receptors.

d. Groundwater monitoring in the location of attenuation structures which includes consideration of floatation if necessary.

e. Consideration of the location of the spring including further groundwater monitoring in this location, routing of groundwater through the site and further raising Finished Floor Levels in this location if necessary.

f. 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.

g. 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. Exceedance will be strategically managed throughout the site with the use of source control and conveyance features.

h. Details, if necessary, on the receiving system to ensure that this has the capacity and condition to take flows, along with measures to manage erosion to the receiving system and ensure that there will be no overtopping of the adjacent bank.

Reason: To ensure the development is properly drained in accordance with the NPPF.

14. **Surface Water Drainage System Management and Maintenance Responsibilities (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. This shall include full details on the management and maintenance and replacement of all features. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF.

15. **Contaminated Land 1 - SITE CHARACTERISATION INVESTIGATION (Pre-Commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any contamination;
- (ii) an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application (undertaken in accordance with the relevant national guidance). This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

16. Contaminated Land 2 - SUBMISSION OF REMEDIATION SCHEME (Pre-Commencement)

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- (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 approved remediation scheme shall be carried out prior to the commencement of development (other than 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 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.

17. **Contaminated Land 3 - VERIFICATION REPORTING (Pre-Occupation)**

No occupation shall commence, or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase, 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 the National Planning Policy Framework.

18. **Contaminated Land 4 - REPORTING OF UNEXPECTED CONTAMINATION OR CONSTRAINTS (Bespoke Trigger)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

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

ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with the National Planning Policy Framework.

19. **Renewable Energy Statement (Compliance)**

The development hereby approved will strictly comply with the recommendations set out in the approved 'Energy and Sustainability Statement' prepared by AES Sustainability Consultants Ltd (received 19.02.2024).

Reason: To maximise opportunities for renewable energy generation on site in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Solar Panels (Pre-Occupation)**

Prior to first occupation of any individual dwelling, solar panels shall be installed on the respective dwelling in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To maximise opportunities for renewable energy generation on site in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

21. **Air Source Heat Pumps (Pre-Occupation)**

Each dwelling shall not be occupied until it is served by an operational air source heat pump with enclosure in accordance with details which have been first been agreed in writing by the Local Planning Authority. Details must include specifications, siting and noise emissions.

Reason: To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

22. **Provision and Storage of Recycling and Waste Containers (Pre-Occupation)**

No occupation of plots 13-18 or 46-51 shall commence until the storage of recycling and waste containers has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Development Policies 3, 7 and 9 of

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

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

No individual outbuilding shall be occupied until it is served by rainwater harvesting including guttering and water butts. The development shall thereafter be maintained as such in perpetuity.

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

24. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting for the development and the character and appearance of the area, and that the proposal does not impact on highway safety or flood risk in accordance with Development Policies 1, 3, 4, 7, 9, 10, and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

25. **Arboriculture - Compliance with Arb Method Statement (Compliance)**

The development hereby approved shall be carried out in full accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

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).

26. **Tree Protection Plan - Implementation (Compliance)**

No development activity shall commence until the protective measures as stated in the approved Tree Protection Plan (Drawing ref: D14 437 02 P4 Rev D) on the ARBORICULTURAL METHOD STATEMENT (received 19.02.2024) are implemented. The Local Planning Authority is to be advised two weeks prior to development

commencing of the fact that the tree protection measures as required are in place with photographic evidence.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with policies DP1 and DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

27. Removal of Permitted Development Rights - No Outbuildings (Compliance)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, outbuildings or other free standing buildings or hardstanding shall be erected within the curtilage of the dwelling(s) hereby approved on plots 4-12, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings or hardstanding requires detailed consideration by the Local Planning Authority to safeguard the nearby trees and planting.

28. Construction Environmental Management Plan (CEMP: Biodiversity) (Pre-Commencement)

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall provide details of how adjacent designated sites (including any hydrologically connected sites) as well as retained and enhanced habitats and protected species will be protected from the development during construction. The CEMP will therefore include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including nesting birds habitat clearance measures, any badger buffer zones, reptile/amphibian sensitive habitat clearance, hedgehog sensitive habitat clearance, dormice sensitive habitat clearance and safeguarding measures for bats.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.
 - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan. This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

29. **Biodiversity Monitoring Strategy (Pre-Commencement)**

No development shall take place, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy has been submitted to and approved in writing by the local planning authority. The purpose of the strategy shall be to ensure Underhill Wood Local Wildlife Site is protected long term, and that recreational impacts as well as lighting impacts are continually minimised and mitigated for. The content of the Biodiversity Monitoring Strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

The Biodiversity Monitoring Strategy shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The Biodiversity Monitoring Strategy will be implemented in accordance with the approved details.

Reason: To prevent ecological harm in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

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

The development hereby approved (including demolition, ground works, and vegetation clearance throughout the construction period) shall be carried out in strict accordance with the recommendations set out in the approved Ecological Impact Assessment.

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

31. **Badger Survey (Pre-Commencement)**

Prior to vegetative clearance or groundworks commencing, a survey for badger setts shall be carried out by an experienced ecologist. The results of this survey shall be reported to the Local Planning Authority and relevant subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks.

Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing.

Reason: A pre-commencement condition to safeguard badgers from the outset of the development, to comply with the Protection of Badgers Act 1992 and in accordance with Development Policy 5 of the Mendip Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014).

32. **Reptile Mitigation Strategy (Pre-Commencement)**

No development shall commence, including vegetative clearance and groundworks, until a detailed Reptile Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

- a. The proposed construction working practises to avoid harming reptiles.
- b. Details of proposed location to accommodate any reptiles discovered during works.
- c. The timing of works to minimise the impact on reptiles.

If required, details of the location and status of the translocation site.

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

Reason: To prevent ecological harm in accordance with DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

33. **Otter Mitigation Strategy (Pre-Commencement)**

No development including vegetation clearance and groundwork shall commence until construction operatives have been inducted by an accredited ecologist to make them aware of the possible presence of otters, their legal protection and of working practices to avoid harming otter.

Any works potentially affecting otter will proceed under the supervision of an accredited ecologist.

Reason: To prevent ecological harm in accordance with DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to safeguard protected species during construction.

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

No new external lighting shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated, and maintained in accordance with the approved details.

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

35. **Tree Checks for Bats (Compliance)**

Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed and an EPS licence sought from Natural England.

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

36. **On Site Biodiversity Enhancement (Pre-Occupation)**

No occupation shall commence until a phasing plan of the delivery of biodiversity enhancements has been submitted to and agreed in writing with the Local Planning Authority. Biodiversity enhancements will be delivered in line with the recommendations of the Ecological Impact Assessment in relation to locations and

models as relevant, and shall include:

- a) 18 x bat boxes to be integrated into the design of dwellings.
- b) 1 x bird box to be integrated into the design of every dwelling.
- c) A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level on the north facing elevation of 10% of dwellings.
- d) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of 20% of dwellings.
- e) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs.
- f) 3 x log piles as a resting places for reptiles, hedgehog and/ or amphibians to be constructed within the boundaries of the site.

The enhancements shall be retained thereafter in perpetuity.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in 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. **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. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
5. In order to discharge conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the approval of materials, you must state precisely where on site any samples have been made available for viewing.
6. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
7. 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.

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

9. **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

10. **Legal Protection Afforded to Badgers**

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

11. **LLFA Informative:**

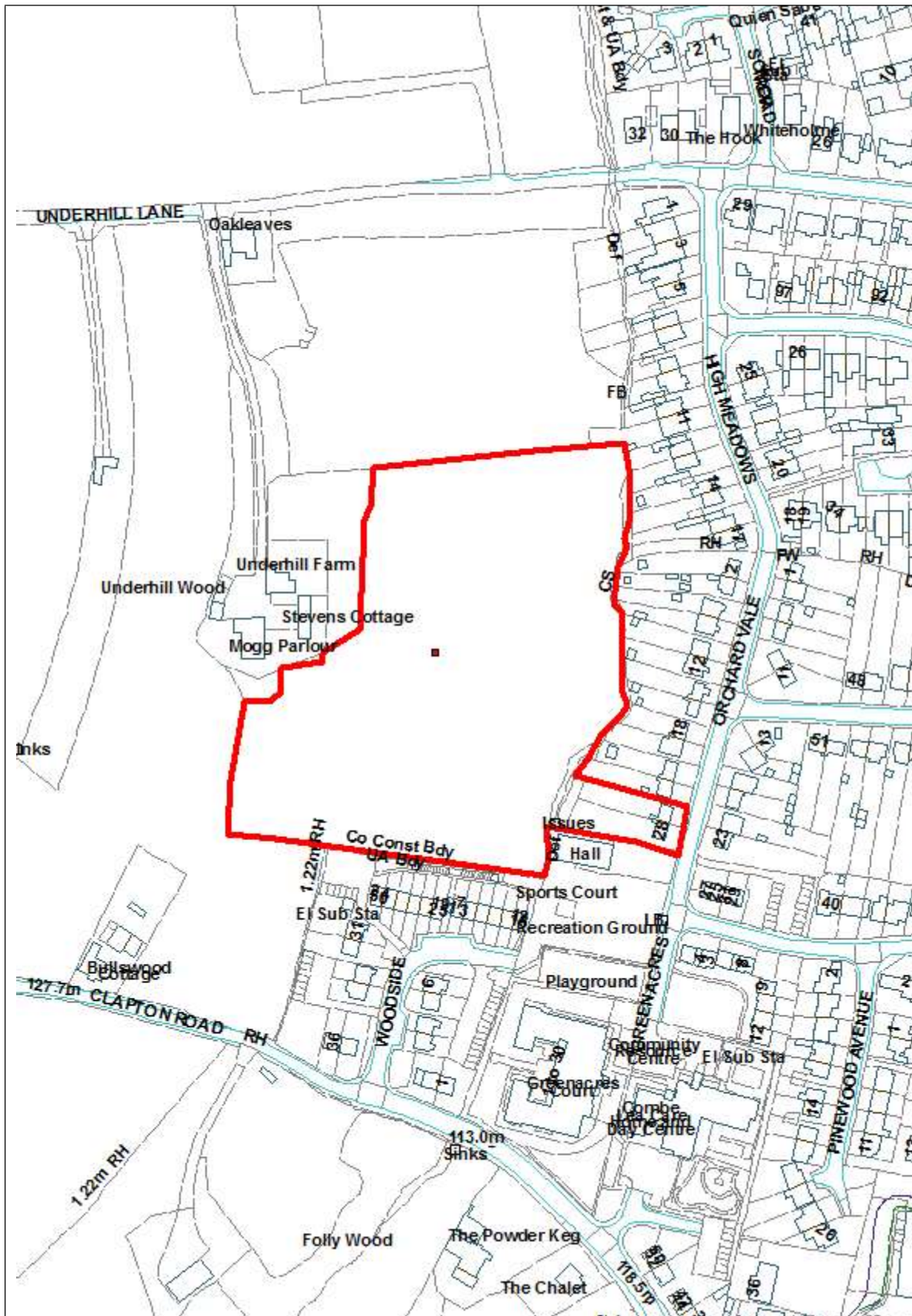
With regards to maintenance, detailed information regarding the adoption of features by a relevant body is required for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed S104 application) or management company. Details on any land raising above the attenuation should not affect any dwellings or foundations should this feature need to be removed and replaced and should have a sufficient easement.

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009.

Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to

certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

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Planning Board Report 7th May 2024
 Land At Underhill Lane
 Ston Easton
 Wells
 Somerset

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Application Number	2023/2088/FUL
Case Officer	Ed Winter
Site	The Laurels Westfield Lane Draycott Cheddar Somerset
Date Validated	31 October 2023
Applicant/ Organisation	Country Court Care Limited
Application Type	Full Application
Proposal	Replacement of the existing 21-bed residential care home and adjoining land with a new 49-bed care home together with communal, support and staff spaces and associated works. (Re-submission of 2023/0278/FUL).
Division	Mendip West Division
Parish	Rodney Stoke Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

Scheme of delegation

The application is considered to be a departure from the local plan because it lies partly within land allocated within the local plan for dwellinghouse accommodation whereas the application is for care home accommodation.

The officer recommendation is to approve the application whereas Rodney Stoke Parish Council (which includes the village of Draycott) objects to the proposal. Therefore, in accordance with the scheme of delegation, the application is to be decided by the Planning East Committee.

Description of proposal, site and constraints

The application is for the replacement of an existing 21-bed residential care home and adjoining land with a new 49-bed care home together with communal, support and staff spaces and associated works. The site is located on Westfield Lane, on the western edge of the village of Draycott and is gently sloping from the north down to the south. The site includes a field to the rear of the existing care home. The Mendip Hills National Landscape (formerly known as Area of Outstanding Natural Beauty) is visible to the north of the site. The field element of the site is surrounded on all sides by established hedges. The care homes itself has been previously extended and has a roughly L-shaped footprint, with a single-storey projection to the front. Westfield Lane is a single-track lane characterised by detached two-storey dwellings and bungalows in good sized plots. To the south of the site, there are long-distance views across The Levels.

Relevant history

067402/013: Erection of conservatory, internal alterations and first floor extension over existing (DEL). Approved 22.11.2005

2023/0278/FUL: Replacement of the existing 21-bed residential care home and adjoining land with a new 57-bed care home together with communal, support and staff spaces and associated works. Withdrawn (the withdrawn application consisted of two and three storey elements with a ridge height of 38.6m AOD (sea level), resulting in a ridge height of 11.24m for the front element).

Summary of divisional councillor comments, parish council comments, representations and consultee comments

Divisional member: no comments received.

Rodney Stoke Parish Council

Initial comments:

Rodney Stoke Parish Council recommend refusal of the proposal on the following basis:

“The proposal is supported in principle as it is a needed facility, however the Parish Council have the following reasons to recommend refusal:

The parking is not adequate in this location. There is no alternative parking in the vicinity and the village Lanes and streets already suffer from parking problems. Whilst standard parking requirements may be acceptable in other locations where alternatives are available, in Draycott appropriate provision should be made to control the impact on residents. There is no public transport close to the facility. The narrow lanes with poor visibility make cycling hazardous.

Access through Westfield Lane and Latches Lane is restricted by the width of the Lanes. Access into the site itself is restricted by the narrow width of Westfield Lane at this point. The access from North Close to the rear of the property is not a suitable access for larger emergency vehicles due to the narrow width of the road which is exacerbated by residential parking. There is concern over the access to the rear of the care home for vehicles such as fire engines.

Due to the double bend restriction on Back Lane; and the width restrictions on Latches Lane and Westfield Lane; the proximity of residential properties and parking issues at the site, where the care home will continue to operate during any proposed construction, it is requested that a construction management plan be developed and approved before any decision is made.

After updated plans submitted:

With regard to the updated plans, the Parish Council is very disappointed that there were not more parking spaces allocated due to the existing problems with the lack of parking space in the village.

Should The Laurels development go ahead we would request that the area to the rear of the development accessing North Close is restricted to use only by the Laurels and should not be used as an access for other development in the area.

We would also request that any permission is conditioned to retain 8 spaces in this area, which should not be repurposed for other development.”

Neighbour representations

All comments are included in full on the planning webpages. The below is a summary of comments received. Objections have been received from four households, with a total of five objectors.

Height and Size of Buildings:

- Objections regarding the height and size of the proposed buildings, which are deemed out of keeping with the surrounding development and would negatively impact the character of the area.

Impact on Amenity:

- Concerns raised about overbearing and overlooking.

Commercial Site in Residential Area:

- Concern over intensification of a site in a rural residential area, with increased activities and traffic movements causing nuisance and disturbance to local residents.

Traffic:

- Concern over construction and post-construction traffic, given narrow and winding lanes.
- Concerns about the safety of pedestrians, cyclists, and children walking to school due to increased traffic movements and narrow roads without pavements

Parking Issues:

- Concerns about inadequate parking provisions for staff, visitors, and service providers, leading to potential congestion and parking on neighbouring properties' land.

Road Conditions:

- Criticisms of the current state of road conditions, particularly Westfield Lane, and concerns that increased traffic from the proposed development would exacerbate the problem.

Consultee comments

SC Contaminated land: No objection.

SC Ecology: No objection subject to conditions.

SC Environmental protection: No objection subject to the inclusion of a condition relating to construction hours operation.

SC Highways authority: No objection.

“This application is a resubmission of a previous application, 2023/0278/FUL, which sought permission for a higher number of beds in the care home. The Highway Authority did not object to the previous scheme, and as this proposal would see a reduction in the number of beds with no other changes in terms of Highway Safety the Highway Authority would respectfully refer you to the previously submitted comments and recommended conditions as these would apply equally on this application.”

Comments from SC Highways on 2023/0278/FUL:

“The proposal would not appear likely to result in a severe increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network.”

SC Housing enabling: No objection.

SC LLFA: No objection subject to conditions.

SC Tree officer: Comments on the withdrawn 2023/0278/FUL: No objection subject to the inclusion of a condition to protect retained trees.

Wessex Water: No objection.

Summary of all planning policies and legislation relevant to the proposal

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

The development plan comprises:

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

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP14 (Housing Mix and Type)
- DP23 (Managing Flood Risk)
- DR1 (Land at Westfield Lane, Draycott)

Other possible relevant considerations (without limitation)

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

Principle of the use

The site is located within the defined settlement limits of Draycott, a primary village as defined by the local plan (part 1). The site is also within a site specifically allocated for development in local plan part 2: allocation DR1 (Land at Westfield Lane, Draycott). DR1 has a number of development principles and design requirements, as follows:

- 1. A minimum of 33 dwellings including affordable housing consistent with relevant policy.*
- 2. Sites DRAY004a and DRAY022 should be masterplanned and developed together to provide a comprehensive scheme.*
- 3. Have particular regard to site layout, building height, and soft landscaping, to minimise the visual impact of the development in this rural location and the setting of the village in regard to the AONB.*
- 4. New development should reflect the local materials and style.*

5. *The site should be designed to safeguard the amenity of neighbouring residential properties.*

6. *Opportunities should be taken to maintain or enhance biodiversity and particular consideration will be needed of the impact on designated sites. 0.4ha of accessible replacement habitat for bats will be required on site.*

7. *A suitable access will need to be provided and careful consideration of the impact of traffic on the roads around the site will be required. Road conditions may limit the capacity of the site.*

8. *Links to the existing network of footpaths and pavements should be provided to facilitate pedestrian access to core facilities in the village core and should avoid increased pedestrian use of the A371 corridor wherever possible.”*

The proposed development is not a form of development required by policy DR1. Policy DR1 requires 33 houses and the proposed development is for care home accommodation only. The proposed development would therefore reduce the area available for the delivery of 33 houses. The proposed development should therefore be considered a departure from the local plan.

The applicant made a pre-application submission and the LPA agreed that the provision of care home bed spaces could offset the required number of homes to be provided on the allocated site, on the basis that both care home and dwellinghouse accommodation count as ‘housing’ and the provision of care home bed spaces is considered to be positive in the overall housing supply. Specific need for care home accommodation is also identified in the strategic housing market assessment.

The information submitted as part of the design and access statement shows that 23 dwellings could be accommodated on the remainder of the allocated site, if the care home expanded onto the field to the rear as proposed. However, it must be noted that the acceptability of the 23 theoretical remaining capacity has not been assessed.

While the proposed development is a departure from the local plan, it is considered material to the principle of the proposed development that the proposed development represents the expansion of an existing care home.

The local plan does not make specific numerical requirements for care homes in the way that it does for general housing. There is no five-year supply requirement for care homes, but the provision of care home accommodation can be counted towards the five-year supply.

Local plan policy DP14 (Housing Mix and Type) states that “proposals for care homes or similar specialist accommodation that meet an identified local need will be permitted in accordance with the Plan’s overall spatial strategy.”

While the local plan itself does not mention an identified local need for care homes, the basis of needs information for all types of housing is the Strategic Housing Market Assessment 2016 (SHMA).

The SHMA identified a supply of 1,243 bedspaces in Mendip, made up of residential care and nursing care homes. The Laurels is a residential care home and all of the proposed beds would fall within this category. The SHMA acknowledges that with the increase in the provision of extra care (which is residential accommodation in use class C3 “dwellinghouses”, with an extra care element), this may result in a lesser need for care home bedspaces. However, even accounting for this, the SHMA identifies a need for 42 care home bedspaces per year between 2014-2039.

Based on the level of need for care home bed spaces, the proposed development is considered to make an important contribution to the supply of care home bed spaces. On this basis, and given that the application represents the expansion of an existing care home within the defined settlement limits of a primary village, the proposed development is considered to accord with the general aims and spatial strategy of the plan, while being in conflict with the specific requirements of policy DR1 (Land at Westfield Lane, Draycott). Overall, the principle of the proposed development is considered acceptable.

NPPF as a material consideration and whether the “tilted balance” is engaged

There is currently no five-year housing supply in Somerset East. As care home accommodation can be counted toward the five year supply, it is considered ‘housing’ for the purposes of NPPF footnote 8. Therefore, the tilted balance is engaged and the application should be granted unless the harms significantly and demonstrably outweigh the benefits.

Design and appearance

The proposed development is considered to represent a fairly high land-take of the site (i.e. much of the site would be developed), when compared to other residential properties within the immediate area, which tend to be detached properties in generous plots. The site plan illustrates this.

However, this above average land-take would not be readily appreciable from the ground and if viewed from the Mendip Hills, it is considered unlikely that the coverage of the

buildings on this site would appear incongruous, due to the distance between the site and viewpoints on the Mendips.

When viewed from Westfield Lane, the proposed development would appear larger than the existing building, but it would remain two-storey. The ridge height of the existing building is 7.15m (34.51m AOD), whereas the height of the proposed 'main' volume would be 9.29m (36.65m AOD (sea level)), an increase of 2.14m.

The proposed development consists of four linked elements. The ridge height of all four elements would be 36.65m AOD, but as the land rises toward the back (north-east) of the site, the care home would be dug into the hill, thus reducing its visual prominence. Thus, overall ridge heights would be as follows, when compared to ground level:

- Front element ridge height: 9.29m (36.65m AOD)
- Second element ridge height: 8.55m (36.65m AOD)
- Third element: 7.81m (36.65m AOD)
- Rear element: 6.36m (36.65m AOD).

All elements would have two storeys except for the rear element, which would be single storey. The linking elements would be indented in terms of floor plan and with flat roofs to eaves height.

By way of comparison to the context, this part of the village is characterised by dwellings of one or two storeys, which tend to sit comfortably with their plots. Ridge heights of neighbouring properties are as follows:

- Lower Westfield House, (two-storey) NW of the site: 35.15m AOD
- Little Paddock, (bungalow) SE of the site: 32.22m AOD

Accordingly, the front element of the proposed care home would be 1.5m taller than Lower Westfield House and 4.43m higher than Little Paddock. The main ridge of the existing care home is 0.64m lower than Lower Westfield House and 2.29m higher than Little Paddock.

The withdrawn scheme (2023/0278/FUL) was 38.6m AOD/11.24m for the front element, with two and three storeys. The amended scheme has, according to the applicant, been reduced as far as possible, while ensuring the scheme remains viable.

The roof of the proposed development is hipped, to reduce the mass of the roof near the site boundaries (the withdrawn scheme featured a roof with full gables).

The main elevation (as viewed from the car park/main entrance) would be clad with natural rubble stone with some vertical cedar cladding above and below the first-floor window on the front gable. Natural rubble stone would also be used for the other elevations of the

front element and for the ground floor of the second and third elements, with cedar cladding to the first floor of these elements. The single storey rear element would also be clad in cedar, with the linking elements rendered with a charcoal colour.

Roof coverings would be grey tile to the first three elements and a metal roof to the rear element. Solar PV would be provided on the south-eastern slope of the second element and south-western slopes of the third and rear elements. The larger linking part, between rear and third elements would feature a green roof, with the remaining two links covered with a single ply flat roof membrane.

Windows and rainwater goods would be aluminium throughout.

The overall architectural design is considered to be contemporary, with large windows to the main elevation and the turned front gable. However, the extensive use of natural rubble stone offers the opportunity to reflect materials characteristic of the area. Full details of materials would be secured by condition.

While the design and appearance of the building is principally about external appearance from a planning perspective, the function of the building is also considered quite relevant to this application.

The existing building is not a purpose-built care home and does not offer the quality of accommodation that people currently seek. For example, most rooms do not have full en-suite facilities (the current rooms have a toilet and a basin but no shower/bath, 1.5-2sqm in size) and room sizes themselves vary, but are in general around 10sqm, which is smaller than the rooms that would be offered in the proposed building. The corridors in the existing building are narrow with many turns, making moving around the building less than ideal for residents and staff.

All bedrooms in the proposed building would be 15sqm plus a 4sqm en-suite bathroom. Lounge and activity rooms would also represent a significant improvement in accommodation in the proposed building as compared to the existing.

Overall, the design and appearance of the proposed development is considered an improvement over the existing building, despite its larger size. This is because while the existing building is of a size that is more similar to dwellings in the area, the existing building's larger front extension interferes with the building's overall appearance and legibility. The front extension area of the existing building includes bedroom spaces, which are right at the front of the building. The outside seating area around these bedrooms is also right at the front of the building, offering limited privacy.

In contrast, the proposed building would be purpose-built and offer a clear division of the more public front elevation and the more private areas to the rear.

The new car parking arrangement is also considered to be neater than the existing arrangement, with 25 car parking spaces (8 to the rear and 17 to the front, including 3 disabled bays) as compared to the existing car parking area, which offers 9 or 10 unmarked parking spaces, with no allocated disabled spaces.

Taking account that the site is an existing care home, the form and function of the proposed development is considered to accord with DP7 of the local plan.

Amenity

The proposed development would introduce a larger building on the existing site and the second, third and rear elements would be built on what is currently an agricultural field. The second, third and rear elements are not considered to result in any amenity impacts such as overlooking or overbearing because the adjacent land to the north-west is in agricultural use and despite being allocated for residential development, there are currently no plans for the site and should a scheme come forward, it would need to respond to the proposed care home to ensure the two scheme are compatible.

To the south-east of the rear field, there is a paddock but this has planning permission for a single dwelling. The permitted dwelling has limited windows facing towards the application site and it is considered that separation distances are sufficient to protect amenity.

There are residential properties either side of the application site. However, there would be no windows on either side elevation at first floor level and this is considered sufficient to protect the adjacent properties from overlooking.

While the proposed care home is taller than the existing care home, the roof is hipped so as to reduce the mass of the roof so that there would not be an undue overbearing impact on the neighbouring properties. Nor would there be undue overshadowing, given that shade created from the proposed building would fall mainly within the application site.

The proposed development is therefore considered to accord with policy DP7.

Highways and parking

The current care home 9 or 10 unmarked parking spaces, with no allocated disabled spaces.

The proposal would see the inclusion of car parking for 25 vehicles (17 at front and 8 at rear), including 3 disabled bays and an electric vehicle charging space. A separate access at the rear, from Strawberry Close, would be used to access the 8 spaces at the rear.

The Somerset Parking Strategy (SPS) sets out the level of car parking required by new development. For a residential care home in this location the SPS requires one car parking space for every 4 bedrooms, along with the provision of cycle storage at a rate of one cycle per 13 bedrooms, one motorcycle space and electric vehicle charging points. Therefore, the required number of car parking spaces is 14.2 and 4 cycle storage spaces.

The submitted drawings indicate the location of the cycle storage, but do not provide details of the number or type. They should be suitable, accessible and secure. These details can be secured by condition.

Therefore, the proposed development over-provides in terms of car parking. This is deliberate, and indeed the provision of car parking spaces has been maximised, due to comments received from Rodney Stoke Parish Council, and local residents, both of whom have expressed concerns about there not being enough car parking provided at the care home at present, or as part of the proposals. There are no obvious ways to further increase car parking provision.

The Highway Authority have considered the details of the proposal and given that the proposal would not appear likely to result in a severe increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network, there is no objection to this proposal from the Highway Authority, subject to conditions on access construction, cycle parking, visibility splays, electric vehicle charging points and parking bays, surface water drainage, construction management and travel statement being attached to permission, if granted.

The proposed development is therefore considered to accord with policies DP9 and DP10.

Heritage assets

The site is not within the vicinity of designated or non-designated heritage assets, nor is it within an area of high archaeological potential. It is therefore not anticipated that any harm to any designated heritage assets would arise as a result of the proposed development and therefore the proposals are considered to accord with policy DP3.

Landscape

The village of Draycott lies at the south-western edge of the Mendip Hills National Landscape (NL – former AONB, the NPPF still refers to AONB). NPPF paragraph 182 states

that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the AONB. The site is considered to be located within the setting of the AONB, given that the site is only around 300m from the edge of the AONB, from where the land rises steeply and there is clear intervisibility between the AONB and the site.

However, while much of the site is undeveloped, the proposed development is not considered to adversely affect the AONB, because it is mainly located within the existing village envelope and the undeveloped field behind the existing care homes lies between two areas of housing within the village. The proposed development would therefore be seen as infill within the village and when viewed from the NL, it would not appear incongruous with the rest of the village.

The proposed development is therefore considered to accord with policy DP4.

Trees

The site contains both trees and hedgerows and these are to be retained in the proposals. The tree and woodland officer has raised no objection subject to a condition that adequate protection is given to retained trees.

The proposed development is therefore considered to accord with policy DP7.

Land drainage

The lead local flood authority (LLFA) has reviewed the application and raises no objection subject to conditions on details of surface water drainage, (including its maintenance). The LLFA's comments are also made on the proviso that Wessex Water agree to the proposed discharge rate. Wessex Water has confirmed that they have no objection to the proposed development.

Ecology

Somerset Levels and Moors Ramsar Site

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and would be connected to a wastewater treatment works that is not functionally linked to the Ramsar site. Therefore, no phosphate mitigation is required.

North Somerset and Mendip Bats Special Area of Conservation

The site lies within band B of North Somerset and Mendip Bats SAC designated for lesser and greater horseshoe bats. The SAC is made up of several discrete sites, the nearest of

which is located c. 2.7 km to the north. Somerset Ecology Services have reviewed the application and raise no objection subject to conditions specifying a landscape and ecological management plan, a construction ecological management plan, external lighting, no removal of hedgerows or trees during nesting season, protection measures for hedgerows, trees and certain fauna and a habitat enhancement area of *equivalent to 0.108* hectares for horseshoe bats, (as stated in the submitted Habitat Enhancement Procedure report) as well as other enhancements.

The proposed development is therefore considered to accord with policies DP5 and DP6.

Sustainability and renewable energy

The design and access statement states:

“In terms of design the approach is to specify a building envelope with high levels of insulation and airtightness thereby increasing thermal efficiency and reducing the heating load requirements.

The building will be largely naturally ventilated with high thermal mass avoiding costly air conditioning where possible. Other sustainable features include solar hot water and photovoltaic panels, LED lighting, and low flush WC’s. Materials from the demolition of the existing will be utilised in the substructures where possible, and natural locally sourced materials will be utilised where possible.”

The proposed roof plan shows that three roof slopes would include solar panels. However, other than showing an area where solar panels could go, there is no further information on the number of solar panels or whether this will be sufficient to cater for the needs of the occupiers of the building. Policy DP7 requires applications to maximise opportunities for renewable energy generation on site, as well as water recycling systems. It is therefore considered reasonable and necessary to attach conditions requiring full details of solar voltaic panels and rainwater harvesting to be agreed by the LPA provided.

Public open space

Policy DP16 states that *“All new residential development will make a contribution towards the provision of new open space, including accessible natural greenspace, to meet the needs of the growing population.”* The Greenspace SPD sets out requirements for formal and informal greenspace. The formal requirements are expressed only in relation to dwellings and take the form of play areas. However, the application is for a care home, so no need for play areas arises as a result. Therefore, is not considered reasonable or necessary to require provision of play areas as part of this application.

With regard to informal open space, the policy itself does not specify the required amount but the supporting text states that the “National Playing Fields Association’s long-standing standard of 2.4ha of new space per additional 1,000 people will remain the benchmark level of new provision sought within Mendip”. This standard is also known as the six-acre standard. The National Playing Fields Association is now known as Fields in Trust.

Based on full occupation, the 49-bed care home would have 49 residents. This would generate a requirement for 0.1176 hectares (1,176sqm) ($2.4/1,000 \times 49$) of open space.

The outside space excluding the parking areas of the proposed development would measure approximately 1,190sqm, which is roughly the same as the required area, so the policy requirement is considered to be met and therefore the application complies with policy DP16.

Refuse collection

Suitable provision for bins is part of the requirements of DP7 (Design & Amenity). A bin store would be provided towards the front of the site and there is space for temporary bin storage on collection day to the front of the property. This is considered an acceptable arrangement and therefore compliant with DP7.

Environmental impact assessment

The proposed development is not considered to be EIA development.

Accordance with local plan

The proposed development does not accord with the specific requirements of policy DR1 (Land at Westfield Lane, Draycott), to provide dwellinghouse accommodation. However, the proposed development would provide another form of housing, namely care home accommodation. The proposed development is within the defined settlement limits of a primary village. In terms of principle, the proposed development is considered to accord with the general aims and spatial strategy of the plan, despite being in conflict with DR1.

The proposed development is also considered to accord with local plan policies on design, appearance and amenity (DP7), highways and parking (DP9 & DP10), heritage conservation (DP3), landscape (DP4), ecology including bats (DP5 & DP6), trees, sustainable development and refuse collection (DP7) and public open space (DP16).

The proposed development is therefore considered to accord with the development plan overall.

Planning balance

Benefits

Increase in bed spaces and improved facilities.

The proposed development would result in an increased number of bed spaces from 21 to 49, an increase of 28 bed spaces. Given that the strategic housing market assessment identifies a need for 42 car home bedspaces per year between 2014-2039, this is considered to represent a **significant benefit**.

Design and appearance

Based on the discussion above, despite the increase in size of the care home, it is considered that the proposed development would result in a **moderate benefit** in terms of design and appearance, due to improved design over the existing care home.

Economic

The proposed development would create jobs during construction and would likely result in additional employment post-construction due to the increase in bed spaces. However, no information has been provided to quantify this. This is therefore considered to represent a **limited benefit**.

Sustainability and renewable energy

The development represents the opportunity to improve the fabric efficiency and use of on-site renewables and water usage and drainage. Details of this are limited and no comparison taking into account embodied energy is provided. However, details of certain measures such as solar panels and rainwater harvesting will be controlled through condition and therefore an appropriate standard can be expected. Overall, this is considered a **moderate benefit**.

Harms

Construction period

The proposed development will result in disturbance and nuisance from the construction process, including through construction traffic, and dust and noise. This can be mitigated to some extent through the construction management plan, but negative impacts will likely remain. However, this is the case for all significant building projects and would have a short-term impact. This is therefore considered a **limited harm**.

Additional traffic post-construction

The care home will increase in size from 21 bed spaces to 49. This will clearly result in more residents on site and is therefore likely to generate more visitor trips. In addition, more staff and likely to be required on site for the higher number of residents. However, it is understood that despite the number of bedspaces being more than double the existing, this would not result in double the number of staff, because certain economies can be made (for example, a member of staff is required for each floor, regardless of the number of bedspaces). It is also considered that the increase in parking provision on site from the existing 9 or 10 unmarked parking spaces, with no allocated disabled spaces, to 25 spaces, (including 3 disabled bays and an electric vehicle charging space) would improve the parking situation compared to the status quo. Overall, this is considered to result in **limited harm**.

Conclusion on planning balance

The proposed development would result **significant benefits** in terms of additional care home bed spaces and a care home built to contemporary standards. The harms are considered to be **limited**.

As discussed in the section on principle, this is considered to be an application that involves housing and the 'titled balance' is engaged. Therefore, permission should be granted, unless the harms significantly and demonstrably outweigh the benefits. As the benefits are considered to be significant and the harms limited, it is therefore recommended that the application is approved.

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.

Recommendation

Conditions

1. **Plans List (Compliance)**

This decision relates to the following drawings:

1940-P020-A

1940-P021-A

1940-P023-A

1092-01A

1940-P030-B

P1940-031-B

1940 A010 C

13976-CRH-XX-XX-DR-C-6050-P1

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

2. **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.

3. **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. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Development Policies 7, 8 and 23 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version). 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.

4. **External Lighting (Compliance)**

All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Ecological Lighting Assessment, Stenger Ltd, dated March 2024) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing 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 and DP6 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

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

No development shall take place on site including ground works or vegetation clearance until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works;
- b) Identification of "biodiversity protection zones";
- c) Details of working hours;
- d) Details of all plant and machinery to be used during site clearance and

construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM);

- e) Details of temporary lighting used in construction or for security reasons;
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- g) The location and timing of sensitive works to avoid harm to biodiversity features;
- h) The times during construction when specialist ecologists need to be present on site to oversee works;
- i) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- k) Use of protective fences, exclusion barriers and warning signs;
- l) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Development Policies 5 and 6 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version) and Chapter 15 of the National Planning Policy Framework.

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

No development shall take place, including any demolition works, until a construction

management plan or construction method statement has been submitted to and approved

in writing by the Local Planning Authority. The approved plan/statement shall be

adhered to

throughout the demolition/construction period. The plan/statement shall provide for:

- o 24-hour emergency contact number
- o Hours of operation
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- o Routes for construction traffic
- o Locations for loading/unloading and storage of plant, waste and construction materials
- o Method of preventing mud being carried onto the highway
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures
- o Arrangements for turning vehicles
- o Arrangements to receive abnormal loads or unusually large vehicles
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

7. **Parking (Compliance)**

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

Reason: In accordance with Development Polices DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

8. Electric Vehicle Charging (Pre Occupation)

The care home shall not be occupied until it is served by at least 1no. active electric vehicle charging point in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: In accordance with Development Polices DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

9. Hard and Soft Landscaping (Compliance)

All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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

10. 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 Development Policies 1, 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR-version).

11. **Solar Photo Voltaic Panels (Pre Occupation)**

The care home shall not be occupied until it is served by operational Solar Photo Voltaic Panels in accordance with details which have been first been agreed in writing by the Local Planning Authority. Details must include specifications, siting and size.

Reason To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

12. **Water Efficiency - Rainwater Harvesting (Pre occupation)**

The care home shall not be occupied until it is served by a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) which 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 Development Policies 7 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

13. **Bicycle Storage (Pre-occupation)**

The development shall not be occupied until bicycle storage for at least 4 bicycles

has been provided in accordance with in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained permanently thereafter.

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

14. **Travel Statement (Pre Occupation)**

Prior to any occupation a Measures-Only Travel Statement in line with the Somerset Council Travel Plan Guidance (2011) shall be implemented in accordance with details which have first been approved in writing by 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).

15. **Visibility Splays (Compliance)**

At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 13976-CRH-XX-XX-DR-C-6050-P1) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained in perpetuity.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

16. **Existing access closure (Compliance)**

The existing vehicular access to the site shall be closed to all traffic, its use permanently abandoned and any verge/footway crossing/boundary features reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed

within 3 months of the new vehicular access hereby permitted being first brought into use.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

17. Access Construction and Retention (Compliance)

The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number 1940-A010-C, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition in perpetuity.

Reason: To ensure that the development is served by an adequate means of access in accordance with Development Policy 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014, post-JR version).

18. Landscape and Ecological Management Plan (Pre-Commencement)

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following:

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

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local District Plan 2014 (post-JR version) .

19. **External Lighting (Compliance)**

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained operated in accordance with the approved details.

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

20. **Habitat Enhancement (Bespoke Trigger)**

No development shall commence, except for Demolition and Ground investigations, until details of a habitat enhancement area of equivalent to 0.108 hectares accessible to horseshoe bats (as set out in the approved Habitat Evaluation Procedure (HEP) Report, October 2023) have been submitted to and approved in writing by the Local Planning Authority. The approved habitat enhancement area shall be installed in accordance with the approved details prior to the occupation of the development and retained permanently thereafter.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected and priority species in accordance with policy DP5 of the Mendip Local Plan, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework

21. **Hedgerow removal (compliance)**

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 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 Local Plan Part 1 (adopted 2014, post-JR version).

22. **Supervision of Works - Protected Species (Pre-Commencement)**

Prior to any works, including groundworks, commencing on site, vegetative clearance will be carried out in strict accordance with the following procedure. any features potentially used by hedgehogs will be dismantled by hand by a competent ecologist between April and October and any individuals found translocated to an appropriate Location prior to works commencing on site. Translocation sites will be submitted and agreed by the Local Planning Authority prior to searches being made. A written confirmation of the completion of the operations will be submitted by the ecologist prior to works commencing on site.

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 Local Plan. This is a pre-commencement condition to ensure that a replacement bat roost is provided to house any bats from the commencement stage of development.

23. **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 Development Policy 1 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.

24. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

- A Habitat 001 bat box or similar will be built into the structure at least four metres

above ground level and away from windows of the west or south facing elevation.

- Installation of two Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

-Two Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

- Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on a north elevation.

-One integrated bee brick must be built into the external wall space of the new building. The bricks will be placed one meter above ground level on a south facing aspect, vegetation must not block the entrance holes. Solitary bees are harmless and do not sting.

-One log pile as a resting place for reptiles and or amphibians constructed on the northern boundary.

-Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgerows into and out of the site.

-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.

Reason: To provide biodiversity net gain in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 186(d) of the National Planning Policy Framework.

Informatives

1. Condition Categories

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

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

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

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

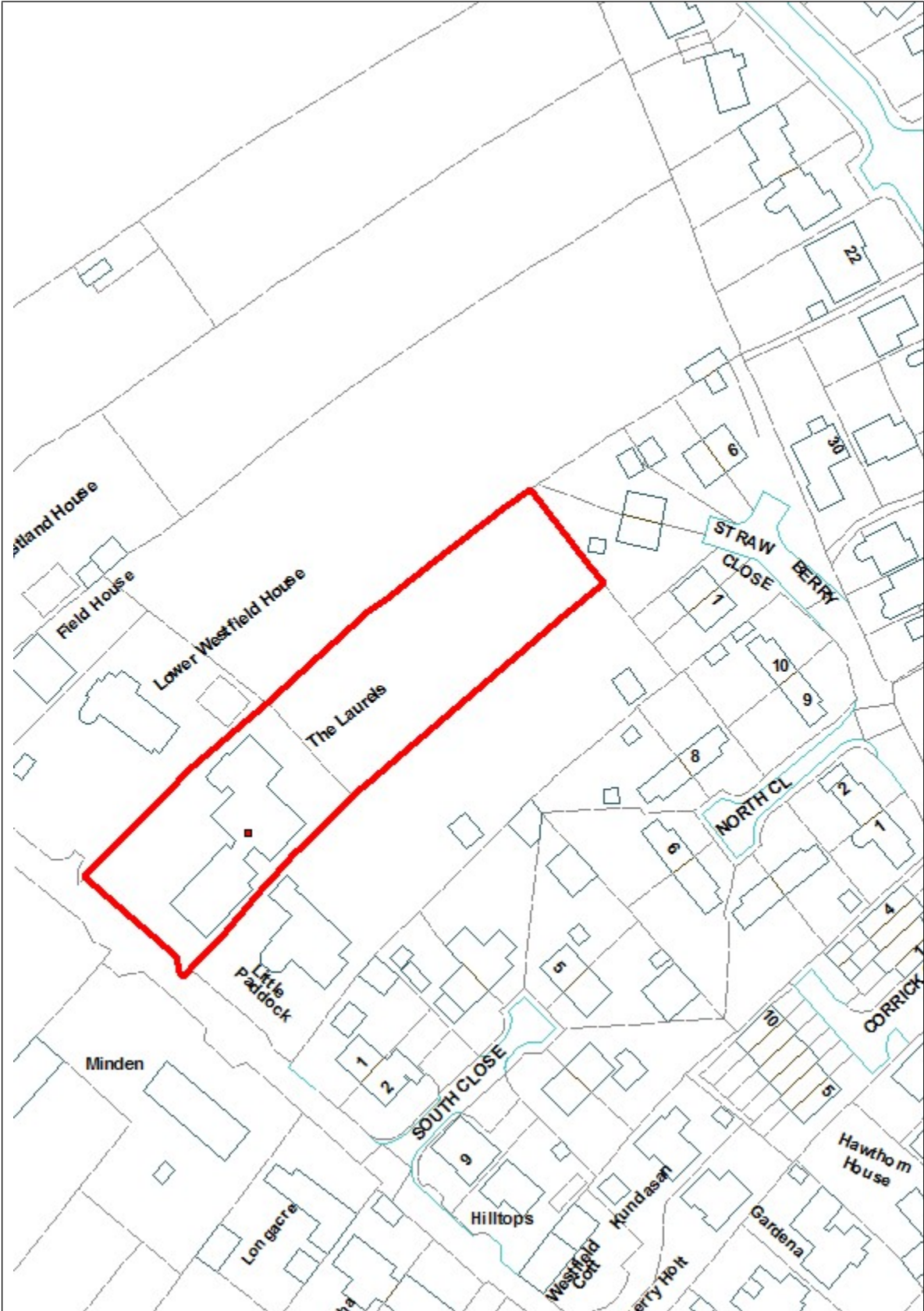
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

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



Planning Board Report 7th May 2024
The Laurels
Westfield Lane
Draycott
Cheddar
Somerset
BS27 3TN

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Application Number	2023/2183/FUL
Case Officer	Nikki White
Site	Land To The South East Of Bradford Road Rode Frome Somerset
Date Validated	13 November 2023
Applicant/	M Lomax
Organisation	Low Carbon Solar Park 25 Limited
Application Type	Full Application
Proposal	Construction & operation of a solar photovoltaic farm with battery storage & associated infrastructure, including inverters, security cameras, fencing, access tracks & landscaping. (Revised information received 29/02/2024)
Division	Frome North Division
Parish	Rode Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Adam Boyden Cllr Dawn Denton

WhatThreeWords:

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

Sugars.deprives.beads

Scheme of Delegation:

This application is recommended for approval by officers. Rode Parish Council has objected. No comments have been received from the divisional members. As the application proposes major development, in line with the Scheme of Delegation it must be determined by the Planning Committee.

Description of Site, Proposal and Constraints:

Site Context:

The application site is located to the east of the village of Rode. The site is approximately

74.33 hectares in size. It is positioned south of Bradford Road and north of Rode Hill; and west of Monkley Lane. The site is set out in various parcels, which the agent has labelled as zones 1-16 on a zone plan (DZ01).

The site is outside the development limits in open countryside.

There are a number of public rights of way in the area, including FR13/17 and FR18/18 which both pass through the site (east-west); and FR13/20 byway which abuts the site boundary south of Monkley Lane (north-south).

In relation to conservation constraints, the site is also outside but relatively close to Rode Conservation Area. The Devil's Bed and Bolster long barrow scheduled monument is located outside the application site to the south east. There are various listed buildings in proximity to the proposed development, including:

- Flexham Farm – GII
- Frith Farm – GII
- No. 8 Frome Road - GII
- Parsonage Farm House – GII
- No.6 (The Old Rectory) Bradford Road – GII
- No.s 18 and 20 Bradford Road – GII
- No.2 (Clay Lane House) Bradford Road – GII

In relation to ecological constraints, the site is within the consultation zones for both the Mells Valley SAC (Band C) and the Bath and Bradford on Avon SAC; there are two pockets of woodland priority habitat immediately adjacent to the site boundaries; and the site is within the SSSI Impact Risk Zone.

There are no tree protection orders on the site, but there are trees and hedgerows on field boundaries and trees within the site.

The application site is within flood zone 1. There are a number of ponds/lakes near to the site.

Natural England mapping confirms the site is within agricultural classification 3 (good to moderate).

Agricultural activities dominate the immediate local area, and there are rural dwellings and agricultural buildings scattered across the wider open countryside.

The application site is within Rode Parish, although the neighbouring parish councils of Wingfield and Beckington have also commented on the application (see below).

As the site is near the Wiltshire boundary, Wiltshire Council has been consulted – but no comments have been received.

Proposed Development:

The proposed solar farm includes battery storage facilities (up to 24 batteries within shipping containers), up to 28 inverters, sub station, switch room, security cameras, perimeter fencing, internal access tracks and landscaping.

The proposal is submitted on the basis the solar farm would operate for 40 years. After this, it would be removed and the site returned to agricultural use.

The applicant states that works are anticipated to generate up to 49.9MW of electricity, which would power *‘over 16,000 homes annually’*.

The applicant describes the solar panel proposals as follows:

‘3.13 The solar panels would be laid out in rows running from east to west across the Site. There would be a gap of approximately 3-4m between each row. The

panels would be mounted on a frame, and to be installed using spiked foundations of approximately 1.2m deep.

3.14 The solar panels within the area identified as archaeologically sensitive 'no dig' zones by the Cultural Heritage Assessment and Geophysical Survey will be installed without foundations using concrete blocks (known as 'concrete shoes') which sit flush with the ground surface so that excavation is not required. This area is shown in black on the indicative layout (reference LCS053-PLE-01). An example of concrete shoes is shown at in Figure 3.3 below.

3.15 The panels are typically mounted in four horizontal rows, with one row fixed directly above the other, and angled at the optimum position for absorbing year-round solar irradiation. At the lowest edge, the arrays would be approximately 0.6-0.9m from the ground and up to approximately 3.0m at the highest edge, except for areas predicted to be at risk from surface water flooding in which the panels will be raised 0.8m above the ground level, being raised to 1m above the ground level.

3.16 An example of a row of solar panels is shown in Figure 3.2 below. Indicative dimensions of the panels and frame are shown in the Solar Panel Elevation Maximum Height (Drawing reference LCS-SD-39.4) which shows the panels at their standard height of around 3.0 m, however, panels could be up to 4.0m in areas of the Site at highest risk of deep flooding. Further information on the areas of highest flood risk is provided in the submitted Flood Risk Assessment and Drainage Strategy (Dated October 2023).'

Following discussions with the Landscape Officer, the agent has confirmed the panels would be all be black in colour, rather than blue as shown on the indicative plans and illustrations.

Three access points are proposed, as follows:

- Access 1 - from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, utilising the existing Rode Hill Fishery access.
- Access 2 - from the A361, subject to national speed limit at the point of access, and utilising the existing Rode Common and Rode Farm access.
- Access 3 - from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and via an existing farm access.

Proposed new internal access tracks would be constructed of permeable materials, finished in 40mm of dust crushed stone. Tracks would be constructed along the boundaries of some of the development zones, with some running through zones. All would be single tracks terminating in turning circles.

Up to 28 inverters are proposed, which would be scattered across the site adjacent to access tracks. These would have a length of 12.2m, a width of 2.5m and a height of 2.5m. They would have the appearance of shipping containers.

The battery storage and substation would be clustered in the northern part of zone 16 (south of Monkley Lane). The substation compound would include various infrastructure. A maximum of 2 substation buildings would measure 10m x 4m and have a height of 3m. Up to 24 batteries are proposed within shipping containers. They would measure 12.192m in length, 2.6m in width and a maximum of 3.908m in height. They would be clustered alongside spare parts buildings which would also look like shipping containers and would measure 6.1m in length, 2.447m in width and 2.9m in height.

Buildings/containers are proposed to be placed on a concrete pads or plinths over a compacted gravel base for drainage purposes.

Mesh wire perimeter fencing and gates are proposed, with CCTV and/or infrared cameras fitted on intermittent gate posts at a height of circa 3.5m.

Detailed materials for the proposed buildings on the site have not yet been confirmed, and conditions are recommended which would see materials and colours agreed prior to construction of these buildings.

Following lengthy discussions with the applicant, various changes have been made to the application since it was first submitted including:

- Enhanced landscaping mitigation, including restoring historic field boundaries in the western field (zone 3) which would visually break up the panels and provide ecological gains.
- A permissive bridleway proposed in zone 10 on the corner of Poplar Tree Lane and the A361, which would enhance non-motorised routes in north-south directions and complement the local PROW network.
- Removal of panels east and west of Flexham Farm (GII listed).
- Additional planting near Flexham Farm.
- Relocating an inverter away from Flexham Farm.
- Additional planting west of 8 Frome Road (GII).
- Increased 'no build' buffers across the site from boundary vegetation in areas of bat activity.
- Enhancements to drainage measures near the proposed battery/substation field (zone 16).
- Amendments to Access 2 including additional space for turning, parking and a passing place within the site.

The application site is near a point of connection to the power grid, and states in the 'Planning Benefits Letter' (received 14.03.2024) that there is capacity and agreement for grid connection:

'It is notable that the Proposed Development has an existing high-voltage transmission tower located on-site which is the point of connection into the electricity grid via the 132kV Melksham-Frome overhead line. This point of connection is identified as having the capacity and infrastructure to accommodate a solar PV farm of this size and capacity. The Applicant benefits from an accepted grid connection offer which would be available when the Proposed Development is constructed (if approved).'

Construction:

The submitted Planning and Design and Access Statement (PDAS) confirms that a 30 week construction timetable is anticipated. A Compound Plan has been submitted showing the location of construction accesses and site compounds. A construction management plan has been submitted, and this can be further controlled by condition.

The PDAS states that construction works are anticipated to be as follows:

- 08:00 – 18:00 Monday to Friday; and
- 08:00 – 13:00 Saturday.

In relation to construction vehicles, the PDAS describes the proposals thus:

‘3.40 Typically, 11 Large Goods Vehicles (LGVs) are expected to visit Site each day, arriving in the morning and leaving in the evening, comprising staff/contractor vehicles. In addition, it is expected that the Proposed Development would require approximately 17 staff/ contractors to travel to/ from the Site by car each day. No abnormal loads are anticipated.

3.41 It is anticipated that there would typically be 6 HGV deliveries per day spread across the 30 week programme.’

Operation:

In relation to the operational arrangements for the proposal, the PDAS confirms thus:

‘3.44 The operational life of the Proposed Development is expected to be approximately 40 years. Once operational, occasional maintenance of the solar panels and other infrastructure would be required. The solar panels would also need to be periodically cleaned, using distilled water and typically once every 3-4 years, to ensure the efficient running of the system.

3.45 The Proposed Development is expected to generate a limited number of vehicles once operational and vehicle types would generally be limited to cars and LGVs. It is expected that under normal circumstances no more than 4 cars and LGVs would visit the Site each week (generally spread to less than 1 per day). It is estimated that 1 HGV trip may occur per annum to replace items / equipment, with no abnormal loads anticipated.

3.46 The Site would be retained in agricultural use for the life of the Proposed Development. The majority of the Site would be planted with a combination of grassland/meadow, which would enable grazing (sheep). This would include land between and underneath panels. Further detail on species mix and biodiversity

enhancement will be included within a Landscape and Biodiversity Management Plan submitted via a planning condition.'

Rochdale Principle:

The application is submitted on the basis of the 'Rochdale Principle' which allows flexibility in the layout and building design as summarised by the applicant in the submitted Planning Design and Access Statement thus:

'3.6 Construction work on the Proposed Development, assuming planning permission is granted, would not commence until a final investment decision has been made by the Applicant and a contractor appointed. Following the award of the contract, the appointed contractor would carry out a number of detailed studies to inform the technology selection for the Proposed Development and also to optimise its layout and design before starting work at the Site.

3.7 It follows that it has not been possible for the Applicant to fix all of the design details of the Proposed Development at this stage. Advances in technology and panel efficiency between now and construction are also a distinct possibility. The Applicant has therefore sought to incorporate sufficient design flexibility. This relates to the dimensions and layout of structures forming part of the Proposed Development, including the precise layout of the Site and the height of the solar panels.

3.8 In order to ensure a robust assessment of the likely significant environmental effects of the Proposed Development, the assessments that form part of the planning application have been undertaken adopting the principles of the 'Rochdale Envelope'.

3.9 This approach involved assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being maximum of 3 - 4 m in height, with the upper figure used in areas at highest risk of deep flowing, which is the worst-case scenario, however it is actually possible that the majority of panels would be at a height of around 2.5 m. As a general design principle for the ground mounted solar, the layout would be based on bifacial panels fixed onto a fixed mounting system, running east to west and orientated to the south.

3.10 The approach also involved defining development zones, rather than having a defined layout. This would allow the future contractor to optimise the layout of the solar farm following any granting of planning permission, rather than being bound to a precise layout.'

Consideration under the Rochdale Principle, which is established for solar farm development proposals, is concluded to be acceptable in this case. The conditions as recommended meet the conditions tests as set out in the NPPF.

There may be some minor non-material changes, which can be adequately controlled via condition. No third parties would be prejudiced by any non material changes to the layout such as non material changes to the siting of the solar panels.

Procedural Clarifications:

Mendip District Council has ceased to exist. Somerset County Council and four other district councils in Somerset (including Mendip Sedgemoor, Somerset West and Taunton Council and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as 'Somerset Council.' In terms of the application site, the Mendip District Local Plan (Parts I and II) and the Rode Neighbourhood Plan still comprise the relevant development plan.

When the application was first validated, it was subject to a full 21 day consultation, and notification was given via neighbour letters, site notices and a press notice. Detailed discussions between officers and the applicant have resulted in the submission of revised plans and documents which seek to address some of the issues raised. As such a 14 day reconsultation was issued, which also included neighbour letters, site notices and a press notice. The Council has therefore met its obligations in relation to notification and publication of the application, and a significant number of comments have been received.

Following discussion with the Somerset Ecologist, skylark plots are proposed on land within the applicant's control. As such, an additional location plan showing land in the blue line has been submitted to demonstrate the wider land in the applicant's control, which can deliver the agreed skylark plots. As there is no material change to the proposal, and

this plan simply clarifies the skylark plots can be delivered, this new plan does not trigger any additional consultation above the two rounds already undertaken.

Some comments have stated the applicant did not adequately engage with the local community prior to submission of the application. The application has been submitted with a Statement of Community Involvement outlining how the applicant has engaged with the local community. Although this is encouraged by the Local Planning Authority and the NPPF, there is no obligation for community engagement by the applicant.

Some neighbour comments have stated there are errors or misleading statements in the application submission. The application as submitted is comprehensible, including where trees are proposed to be felled, where new planting is proposed and highways impacts.

The scope of the proposed development is also clear, as outlined above. Any additional works subject to planning controls would require consideration under a new application. Any such applications would be considered on their merits at that time.

Relevant History:

No known relevant planning history.

Summary of Comments Received:

Divisional Members: no comments received

Rode Parish Council: objection (summary of all comments)

- The scale and location of the proposed solar farm would significantly negatively affect the setting of Rode village, the countryside and heritage assets, including Flexham Farm.
- The proposed development is contrary to national and local policies including DP1, DP3 and DP4 of the Local Plan and policy 5 of the Rode Neighbourhood Plan.
- Loss of large area of agricultural land which currently supports cattle grazing and crop production. Disagree with the land quality assessment conclusions. Parts of the site have high agricultural value.
- The applicant has not undertaken a proper search for alternative sites, and has therefore not demonstrated that the proposed use of agricultural land is necessary. Site selection should not be based on a site this size, and proximity to grid connection and overhead power lines.
- Disagree with the submitted assessment of need.
- The Parish Council has significant concerns regarding the fire risk of the Battery Energy Storage System (BESS), and the apparent lack of detail within the planning application regarding how such risk would be managed.
- Access routes to/from the various parts of the development are poor, in particular access to Parcel 3 (which includes the BESS) is along a narrow lane which is inappropriate and dangerous. Access for emergency services needs to be considered.
- The Somerset Energy Plan will allocate sites for solar development and it would be premature to determine this application before completion of the Energy Plan.
- Recognize the need for renewable energy.
- The changes made to the scheme since the original consultation period are very minor in nature and do not materially address any of the concerns or issues raised.
- There is no policy requiring all energy development from renewable sources.
- Cumulative impact of solar farms needs to be considered.
- Friends of the Earth has worked with the UKRI Centre for Doctoral Training in Environmental Intelligence based at the University of Exeter to identify the land that could be most suitable for new onshore renewable energy – ‘How Can England Produce More Onshore Renewable Energy Fast’. Fundamentally it shows that a significant area of land locally is suitable, but this lies significantly further away from the village, and would have much reduced impact on the historic setting of Rode. FotE has identified land capable of generating 130MW of Solar without the need to impinge on heritage assets. They have also identified land that can support a further 95MW of wind energy. The two together, as stated above, would provide twice as much energy as all the country’s homes currently require. And all this without counting the UK’s huge potential for off-shore renewables, or the existing potential for rooftop solar. The UK can massively out-produce our domestic requirements for energy without needing to build Solar Farms in close proximity to historic villages.

Wingfield Parish Council (neighbouring parish): objection (19.12.2023)

- Excessive scale
- Harm to landscape
- Concern future further development pressures and precedent
- Loss of trees
- Harm to ecology – Any mitigation should be closely monitored
- Highways - How will construction traffic be monitored? Unsuitable accesses.
Highway safety concerns
- Recognise need for renewable energy, would prefer a co-operative with local input.

Beckington Parish Council (neighbouring parish): objection (17.01.2024)

- Support comments from Rode Parish Council
- Request committee decision

Lead Local Flood Authority: no objection subject to condition (summary of final comments following discussions and submission of additional information)

- Expect to see discharge rates for the substation and battery areas based on region 8, however we have undertaken our own assessment using IH124 which indicates minor differences (i.e. QBAR 0.5 l/s shown vs 0.65 l/s IH124, and QBAR 1.36 l/s vs 1.3 l/s IH124).
- Discharge rates should be restricted to QBAR on the overall impermeable area by reducing the size of the orifice on the substation so that total rates do not exceed QBAR. However, as this is only a minor increase in the lower events, for the battery storage area (proposed 0.9 l/s, calculations undertaken by applicant shown 0.5 l/s), and the space available within the site boundary, this can be secured through a condition. Any impermeable area will need to be accounted for within the design.
- At the next planning stage, expect further details on the location of swales, cut off features, and features to encourage infiltration to ground between solar panels. Further details along with additional mitigation measures will be required to prevent flows onto the southeastern byway, which has been recommended as a condition. This will also require details on the condition of watercourses under the applicant's riparian ownership, and any necessary maintenance/remediation/improvement works.
- Recommended conditions:

- Agreement of surface water drainage scheme for the site including measures to control and attenuate surface water and discharge at greenfield rates.
- Approval of a plan for the future responsibility and maintenance of the surface water drainage system, landscaping and access tracks.
- Approval of measures to confirm there would be no surface water discharged onto the southeastern byway including details on watercourses under riparian ownership of the site and any necessary maintenance/remediation/improvement works.
- Recommended informative:
 - Reminding applicant there is legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse.

Somerset Highway Authority: no objection subject to conditions (summary of all comments following the submission of additional information, and verbal clarification request)

- Access to Parcel 1 is proposed from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, and will utilise the existing Rode Hill Fishery access.
- Access to Parcel 2 is proposed from the A361, subject to national speed limit at the point of access, and will utilise the existing Rode Common and Rode Farm access
 - An amended drawing has been provided to show the gates into the site repositioned to enable an articulated vehicle to fully exit the highway into the site.
 - Swept path drawings have been provided to show an articulated vehicle entering and exiting the site. This has been enabled by a widening of the access to accommodate the temporary construction traffic.
- Access to Parcel 3 is proposed from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and will be via an existing farm access.
 - A drawing to demonstrate an articulated vehicle entering and exiting Monkley Lane has been provided. Likewise, a drawing to show visibility splays has been submitted for the junction of Monkley Lane onto the A361 and these are considered acceptable.
- Use of Monkley Lane:
 - A tree report has been submitted for Monkley Lane to show those trees that may require some attention in terms of raising the canopies to enable the higher articulated vehicles to utilise it. This is considered acceptable and can be conditioned.

- A survey of the lane has been undertaken to show the varying widths of the Monkley Lane. Whilst it is noted there is a particularly narrow point of 2m along the lane, this is only one small area.
- Whilst it is acknowledged that there may be some oversailing of large vehicles whilst exiting the site onto Monkley Lane, this area is designated highway land according to road records and not private.
- In terms of passing places, it is noted the comments of these being for use by those living along Monkley Lane and not for any construction traffic. Monkley Lane is a public highway with no restrictions. The road records indicate that the width of the highway extends into the verges and some entrances. Given the temporary period of the construction phase and the limited number of vehicles proposed during this period along this lightly trafficked highway this is not considered to cause any significant highway harm.
- In terms of the lack of visibility for the full length of Monkley Lane when a vehicle has entered, this is an existing scenario for all users at present. Again given the temporary nature of these schemes generating traffic during construction phase and this entails a small number of vehicles, it is not considered this will cause any significant highway issues to that which already exists.
- Whilst it is acknowledged that the equestrian use of one of the properties generates movement of both vehicles and horses being walked along Monkley Lane, it is clear that these activities and movements exist and vehicles and horses manage to utilise this public highway already. The applicant has noted the equestrian use of the lane and has proposed a banksman to ensure vehicles are alerted and can allow for the horses to pass at the Monkley Lane site entrance. The addition of the limited construction traffic movements is not considered to be a significant increase to that which already exists during the temporary construction phase.
- It must also be noted that the existing dairy farm typically generates 1 HGV per day which is associated with silage, feed, slurry removal and milk deliveries on Monkley Lane.
- The application is supported by a Transport Assessment (TA) and Construction Traffic Management Plan (CTMP). It is noted within the TA that the expected construction period is 30 weeks, within which time the bulk of the traffic movements associated with the site will occur.
- Vehicle compound plan is acceptable and can be conditioned.
- Summary:
 - It is considered the applicant has addressed the majority of the issues raised by the HA and conditions will secure any outstanding matters. Due to the temporary nature of this type of development and particularly when

measured against the existing use the highways impact of the proposals are considered to be acceptable.

- Taking into account the above comments it is considered the proposal will not raise any significant or severe highway safety issues, nor would it have any detrimental effect on the existing highway network. Therefore, the HA does not raise any objection.

Recommended conditions:

- Installation of access gate and surfaced accesses and waiting bay
- New accesses to be constructed in accordance with approved details
- Submission and agreement of a construction management plan
- Complaint with submitted layout plans for site compound and parking
- Completion of tree canopy work on Monkley Lane
- Agreement of final layout

Public Rights of Way: no objections subject to conditions

- There are public rights of way (PROW) recorded on the definitive map that run through the site (public footpaths FR 13/17 and FR 13/18) and PROWs that abut/run adjacent to the site (restricted byways FR 13/20 and FR 1/39)
- Please refer to our Highways colleagues with regard to the use of Monkley Lane for the construction access to the site.
- The proposed access track will require surface authorisation from SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18. Associated infrastructure may also be required.
- Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
- Recommended condition: The applicant will need to provide a suitably-worded warning signage scheme for both the public and the construction drivers.
- The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the path FR 13/17 and FR 13/18. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

Landscape Officer: no objections (summary of all comments)

- Following discussions, amendments and additional information the landscape and visual impact would be acceptable.
- The quantum and location of viewpoints was agreed at pre-app stage and is thought to be acceptable for analysis of the proposal.

Landscape Character:

- The landscape character falls under B3 *Lower Frome Valley* in the Mendip Landscape Character Assessment. This is noted as having a diminished quality of landscape around roadways but opportunities to have tranquil environments.
- The grain is of ‘moderate scale field pattern with mix of enclosure eras’ with agricultural land that is predominantly arable.
- The proposed development will have a significant impact on this rural, agricultural landscape.
- As noted in the LVA, the site is already impacted by larger scale farming, busy roads, pylons and industrial development.
- In terms of landscape character, there is a question over whether solar farms can form part of an agricultural landscape in their ‘farming’ and harvesting of a necessary resource (electricity). If this is classed as an acceptable interpretation, then the presence of a solar farm constitutes less of a character change than other forms of development, especially given their temporary nature.
- This being said, the visual impact of solar farms is a significant and more permanent change to the historic landscape than farming. The size of this proposed development is such that it will cover a large proportion of the valley and risks encroaching on the historic village of Rode.
- As noted in the LVIA, some hedgerows have been removed and others are in decline. Field boundaries are a key landscape feature, contributing to its overall character in this area.
- There are several heritage elements at the boundary to the solar farm which should be considered.

Impact from Roads:

- The visual impact from some roads around the site will be fairly minimal as the solar panels will sit below the hedge line.
- They will be visible from access points or through gaps or thinner parts of the hedge (especially in winter).
- As there is only one part of the road where there will be solar panels on both sides, the effect of this is considered to be minor adverse.
- A summary of the glint and glare study from the road states: “*A moderate impact is predicted upon road safety at two sections of Frome Road (A361) for which mitigation is recommended (see Section 6.5.1). No significant impacts are predicted upon residential amenity or aviation activity at Brown Shutters Farm Airstrip,*

Orchardleigh Airstrip and Biss Brook Farm Airstrip, and no mitigation is required. No detailed modelling is required for Winsley Airfield, White Ox Mead Airstrip and Keevil Airfield.” This is considered acceptable.

Impact on PROWs:

- Where FR13/17 crosses the site, it should be ensured that the footpath is at least 4m wide between the edge of the hedges when fully grown.
- Impact would be significantly reduced if the solar panels were black and matt
- Photomontage 15 implies a minimal visual impact at 15 years along this bridleway. From a site visit, it is considered that the visual impact is likely to be more severe than this. Even with solar panels orientated away from the viewpoint, the character of the rural, green, undeveloped landscape will be significantly impacted by the development of the solar panels. This should be mitigated.
- Major adverse impact of the development on PROW 13/18. This will be somewhat mitigated at 15 years by a maturing hedgerow, however this represents a significant change on the previously open landscape. Although the impact is large, it is only on a small section of path (approximately 130m long) and so is considered acceptable in the context of the development.

White Horse:

- A desk-based analysis using google Earth in 3D indicates that there is likely visibility from Westbury White Horse, but that due to the distance, the impact will be very low.

Summary of Final Comments:

- The reinstatement of two historic hedgerows breaking up what would otherwise be the largest block of solar PV panels. This will reduce the impact of the farm as viewed through the hedge along the B3109, it will reduce the visible impact from High Wood, will reduce the perceived encroachment of the solar farm on the village of Rode and will increase the opportunities for biodiversity and wildlife.
- The reduction in PV panels around the listed buildings on the B3109 helps to preserve the historic landscape character in the setting of these structures.
- The reinforcement of existing hedgerows enhances the landscape and improves biodiversity.

Conservation: objection (summary of all comments)

- The application is going to have a significant impact to the character of the landscape. I do appreciate within time, planted boundary treatments will thicken and will help somewhat with the setting. However, it is going to change the

character of the approach to the historic village of Rode and the Grade I Listed St Lawrence Church.

- To first consider the impact to the Church, due to the topography of the area and the recent infill developments, it will mask the visibility of the site. From walking around the church yard, in mid-winter, from the ground level I do not expect the panels to be visible. They may be visible from the bell tower; however, I do consider this small impact to be acceptable. Despite on this occasion a minimal impact was identified, I do think the Grade I Listed Church should have been considered in its own right as not as part of the Conservation Area [further assessment of Church subsequently submitted by the applicant].
- Again, due to the topography of the site, there will be limited views of it from the Historic Village and Conservation area. However, I do not agree with the Historic Environment Desk-Based Assessment conclusion *‘Thus, there will be no change to the significance of the Conservation Area arising from the proposed development. Any visual change would relate to amenity and the proposed development will result in no harm to the heritage significance of the Conservation Area.’* The surrounding landscape provides the context of the historic village, especially as it is elevated within the landscape. Highlighted within the supporting documentation, is the acknowledgement that historic field boundaries have been lost, replaced with large open expanses. The solar farm is going to change the rural character of the landscape, when considered with the large open fields and the scale of the farm, to a more industrial character, especially when considering all the associated infrastructure needed. Although minor mitigation measures have been included, for example, in Area 1, two partial hedge rows are being reinstated. There is a missed opportunity to do more, to reinstate further lost boundaries and for further planting to be added to the boundaries. This would help lessen the industrial feel the site currently has and help it sit within the landscape and not have the large open fields of panels which are not characteristic of this historic setting. This would help to reduce the impact to the setting of the Conservation area.
- When considering the impact of the solar farm as a whole, I consider Areas 1 and 2 to have the biggest negative impact to the surrounding heritage assets, followed by Area 4. If Areas 1 and 2 were removed, I would not object to the application, provided further mitigation measures were introduced for the affected Listed Buildings located within Area 4. The mitigation measures included are very minimal and do not go far enough to overcome the impacts to the Heritage Assets.
- The updated site plan included a number of mitigation measures aimed at reducing the impact of the solar farm on the surrounding designated heritage assets and historic landscape character. These mitigation measures do little to overcome the negative impact the application will have on the surrounding designated heritage assets and are a poor attempt to overcome this level of harm and the objection remains.

- The additional mitigation measures do not remove the level of harm identified; they simply mask it. Given the time needed for the additional planting to become fully established, there is going to be considerable impact before they are established and begin to mask the site. The question remains as to why the solar farm needs to be located so close to these designated heritage assets. Although the need for sustainable energy creation is clearly understood, the listed buildings which surround the site are of national importance and fall within approximately 2% of the building stock of the country. As this is such a large-scale site, when taken as a whole, there is public benefit to be gained from the solar farm, however, when considering the impact to these individual designated heritage assets and the addition of the panels to the fields that surround them, the public benefit is minimal.
- The additional planting along the western boundary of Development Zone 12, will help to mask the site from 8 Frome Road. A Grade II Listed early 19th century house. The setting of this Listed Building does contribute to its significance, as a rural building located outside the historic village of Rode. Still of primary concern is the impact to The Firth and Flexham Farm, two Grade II Listed 18th-century farmhouses. The rural setting of these two buildings do contribute to their significance, again as per the previous comments, the impact of this proposal to the significance of these designated heritage assets would fall into the category of less than substantial harm, at the medium level. Considering this harm will stem from change to the setting and does not involve any change to the physical fabric of the building, this impact is significant. The additional mitigation measures proposed include reducing the number of panels close to Flexham Farm and some additional boundary planting along the current hedge rows. Again, this does not remove or lessen the impact to the significance of the Listed Building, it will mask it.
- The reinstatement of the historic field boundaries within Development Zone 3 will help to break up the massing of the solar panels within this large field. As the surrounding landscape provides the rural context of the historic village and Conservation Area, especially as it is elevated within the landscape. The solar farm is going to change this, especially when considering all the associated infrastructure needed. When taken as a whole, these mitigation measures are a poor attempt to overcome the negative impact of the scheme. More could be done to reduce the level of harm, including the removal of Development Zone 1,2,3,4 and 5. As a result the objection still remains on the grounds that this large solar farm is going to have a negative impact to the significance of the surrounding designated heritage assets and historic landscape character.

Historic England: (summary of all comments received)

Context:

- Whilst there are no designated heritage assets within the application site there is potential for significant archaeology within the application site and the proposed solar development is likely to be visible across a large area and could, as a result, affect the significance of a number of highly graded heritage assets at some distance from the site itself.
- To the south west of the proposal is the Grade I listed Church of St Lawrence (NHLE 1345357) which retains open views out from the churchyard boundary to the surrounding rural hinterland. Earthwork remains surrounding the church indicate the potential for medieval origins of Church Row which is protected with Rode as a Conservation Area.
- Just to the south of the proposal is the intriguingly named Devils bed and Bolster long barrow (NHLE No 1017897). The burial mound is considered of national significance and was constructed about 5000 years ago. Although the long barrow has been eroded and disturbed in the past, it will include archaeological remains containing information about Neolithic beliefs, economy and environment.
- The area has a long history of settlement reflected through the archaeology; from Neolithic hill forts to remnant medieval open fields, along with many listed buildings.
- From the assessment to date Historic England considers that the proposed development could impact on the open rural farmland of historic fields which forms the setting of many of the heritage assets through the introduction of industrial-scale solar farm.

Issues:

- We consider that the proposals could result in both physical harm and harm to the historic rural landscape as a result of the marked change from a rural landscape which forms part of the setting of both the church and the long barrow both of which are considered significant heritage assets. Direct physical impacts include impacts to surface features or buried archaeological remains; indirect physical impacts such as impacts to groundwater levels.
- The landscape is largely open arable land, consequently, the solar farm has the potential to be visible in views to, from and in combination with the heritage assets. The National Character Area, Avon Vales (NCA) notes that the pressure for solar farms and panels is already intense and there is concern for the impact on the landscape should they become widespread and established.
- We agree with the Heritage Statement that the significance and extent of the known and potential remains are not fully understood, and that trial trench evaluation has been requested by the Archaeological Advisor prior to determination of any planning application. The key point is that the date and significance of the remains here would determine whether specific areas should be omitted from the solar arrays.

- We understand that within the proposed development there are two proposed 'no-dig' zones within which concrete footings will be used for the installation of the solar arrays to avoid any ground-breaking works. Alterations to drainage patterns could lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and we will need to be provided with the archaeological evaluation report before we are able to provide further comment.

Conclusions / Recommendations:

- Therefore, the local council will need to be confident with this assessment and take steps to avoid and minimise the harm where possible. This would be through design, layout and mitigation measures although care needs to be taken that these measures do not themselves have an adverse impact on the heritage setting or landscape character. We would also strongly encourage you to utilise your inhouse expertise, both archaeological and conservation specialists.
- As archaeological remains can be susceptible to damage from the installation and subsequent removal of solar arrays, if the remains are of high significance, we consider that those areas be omitted from the development in order to preserve the remains and their heritage significance.
- We also guide you to our Advice Note; Historic England, 2021 Commercial Renewable Energy Development and the Historic Environment, Commercial renewable energy
- There is potential here for archaeology which may potentially be of national importance and/or of equivalent significance to a scheduled monument, (and which come within the scope of NPPF footnote 68 which states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets). This may potentially apply to significant survivals of Bronze Age ritual or funerary sites such as barrows, or to domestic occupation sites.
- Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 194, 195, Footnote 68 of the NPPF.
- Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Further comments (04.04.2024):

- We still have concerns therefore our advice stands

Archaeology: No objections subject to condition (summary of final comments)

- The submitted draft archaeological report on the trial trench evaluation indicates that there are archaeological features on this site. Although not all of the site could be evaluated due to weather and field conditions, sufficient information has now been obtained to describe the significance of the archaeology. The Bronze Age ringditch has been shown to be truncated by later activity but it is likely that there are remains of funerary activity around the ringditch including cremations.
- These remains are of local significance and therefore can be mitigated through archaeological investigation.
- The applicant has put forward a mitigation strategy that includes finishing the evaluation and then excavation of the area containing Bronze Age activity (and any other archaeology found through further evaluation). This mitigation scheme is proportionate to the significance of the archaeology and is acceptable in terms of the requirements of the NPPF Chapter 16
- Recommended condition:
 - Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Environment Agency: No objection subject to conditions

- Recommended conditions:
 - Battery storage surface water drainage – including a scheme for the control, containment and removal of water used for extinguishing in the event of a fire at battery storage facility
 - Emergency pollution control method statement
 - Construction Environmental Management Plan (CEMP)
- Informative to cover: Natural flood management; ditch crossings; surface water drainage
- Control of Major Accident Hazard (COMAH) – no comments.

Contaminated Land: No objection

Environmental Protection: no objection (20.11.2023)

- The noise assessment is satisfactory and it is accepted that this development will have no adverse effect on the nearby residential properties.

Health and Safety Executive: no comments

- Outside scope to comment - This application does not fall within the Consultation Distance Zones of either a Major Hazard Site or Major Accident Hazard Pipeline.

National Gas: no comments

- There are no National Gas Transmission assets affected in this area.

Devon & Somerset Fire and Rescue Service:

- Whilst the Service is not a statutory consultee in relation to this project, we welcome opportunities to work and engage with developers to ensure projects are delivered safely and that operators meet the statutory responsibilities that we enforce.
- The Service recognises that Battery Energy Storage Sites (BESS) pose specific hazards in the event of fire that are still not fully understood or researched. As a result, regulations, enforcement and best practice to mitigate the risk from BESS is still in development.
- The Fire Service's own powers of enforcement under the Regulatory Reform (Fire Safety) Order 2005 require the Responsible Person to carry out and regularly review fire risk assessments to protect relevant persons by identifying fire risks and removing or reducing them as low as possible. It also requires the Responsible Person to mitigate against those fire risks that remain.
- The Outline Battery Safety Management Plan (OBSMP) appears to adopt these principles but is limited in sufficient detail for Emergency Plans. Part of the risk reduction strategy will involve the development of an Emergency Response Plan with DSFRS to minimise the impact of an incident during any of the above phases. The Service's response to a OBSMP will likely be steered by guidance produced by the National Fire Chiefs Council (NFCC) who have recently closed a consultation focused on Grid Scale Battery Storage Systems. In the absence of regulated code, our response will be evidence based and influenced by the size and nature of the development.

- Without prejudicing any further comments in relation to an OBSMP, the Service would recommend adoption and/or inclusion of the following risk reduction measures (some of which we note have been referenced in the IFSMP).
 - Automatic gas detection capable of detecting off-gassing in the battery modules.
 - Automatic aspirating smoke detection to improve fire detection times.
 - Details of how the remote monitoring of safety systems will operate and what intervention protocols/procedures are likely to be implemented.
 - Automatic fire suppression within the BESS containers. Based on current knowledge, preference is for a water drenching system as these appear to have the most success in preventing reignition.
 - Adequate space between containers or thermal barriers to prevent fire spread from one container to another.
 - Adequate ventilation of the battery modules to prevent heat build-up.
 - Suitable explosion venting and flame arrester strategy.
 - Alternative access routes onto the site for fire appliances.
 - Sufficient water supply for manual firefighting. Preference should be given to supply by an external fire hydrant as this would potentially give more flexibility when dealing with a battery fire involving thermal runaway. Regardless of the method of supply, it would be advisable to base the quantity of water supply on the potential number of containers at risk of being involved in fire rather than the default amount offered in B5 of the Building Regulations.
 - In terms of vehicular access, road and gateway widths and the provision of suitable hardstanding's should be in accordance with B5 of the Building Regulations.
 We draw your attention to the sizes and weights of fire appliances currently in use by the service. The standard Medium Rescue Pump is 7.91m long, 2.6m wide and weighs 13.5 tonnes. Its turning circle is between kerbs - 13.6m and between walls - 14.2m. An arial ladder platform is 10.04m long, 2.56m wide and weighs 26 tonnes. Further information about these and other vehicles can be found at <https://www.dsfire.gov.uk/about-us/fleet-and-equipment>.
 - Liaison with the Service before going 'online' in order to facilitate a Site-Specific Risk Information (SSRI) visit and provision of risk information and detailed plans in a secure location on site.

- It is assumed that the Environment Agency has been consulted and has carried out an environmental impact assessment. It is advisable that any such assessment should consider the potential environmental harm of fire water run-off. It is recommended that further assessment by the Environment Agency is sought regarding this issue once the type of batteries and their chemical composition is known.

Ecology: No objection subject to conditions (summary of all comments, including comments following the submission of additional information)

- Priority Habitat deciduous woodland is located within the site as well as Priority Habitat hedgerows of 'local' level value and the application site lies within the consultation zones for the Mells Valley SAC (band C) and the Bath and Bradford on Avon SAC.
- It is understood that tree and hedgerow loss will be offset delivering a positive BNG score.
- Approximately 2.72km of new native hedgerow planting is proposed in total, and all hedgerows would be managed at 3m or more. The site will comprise species rich grassland, beneath, and in between, rows of solar panels, and 13ha of wildflower grassland/ meadow planted within field margins, which will be grazed by sheep. All water courses would be buffered by a 10m 'no build' buffer either side, and all native species are recommended for the proposals.
- A Phase 1 Habitat Survey and further Phase 2 surveys have been carried out by The Environmental Dimension Partnership between 2022 and 2023, including for birds, bats, otter, water vole, badgers, hazel dormouse, and great crested newt (GCN) within the study area. According to the submitted reports, the site supports an assemblage of common breeding farmland birds, a moderate number and diversity of foraging and commuting bats, brown hare and three badger setts, all of which are currently considered to be inactive. Hazel dormouse following a suite of surveys have been assumed likely absent from the application site. Furthermore, it has been precautionarily presumed that the site supports GCN and a Natural England District Level Licence for GCN will be sought.
- A 30m buffer zone between any developed area and the badger setts within the application site has been included within the designs.
- It is recommended that enhancements are made throughout the site in the form of dormouse boxes, bat boxes and bird boxes, however these can be conditioned.
- In relation to horseshoe bats, Bath and Bradford on Avon Bats SAC and Mells Valley SAC, Habitat Evaluation Procedure (HEP) calculations have been undertaken, and optimal replacement habitat will be required to mitigate for those impacts of the development proposals upon lesser horseshoe and greater horseshoe bats, respectively, and to be secured via a planning condition. There will be an overall net gain in replacement habitat for both lesser horseshoe and greater horseshoe bats, with a gain of 6.12ha/10.95ha being provided.
- No confirmed bat roosts have been noted on or adjacent to the site however specific surveys have not been undertaken on all trees to fully confirm. It is understood that night working will be avoided during the construction phase, and

during the operational phase, targeted lighting may be required for short periods, which may temporarily result in a loss of suitable foraging and commuting habitats. A sensitive lighting scheme to demonstrate that lux levels will be <math><0.2</math> lux on the horizontal plane, and at or <math><0.4</math> lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats, prior to determining the application.

- Recent research has noted that bats are negatively impacted by solar development and ground panels, which should be considered.
- It is understood from the information provided that a minimum 2m strip of wildflower grassland will be created adjacent to the hedgerow and all internal hedges to be maintained at a minimum height of 3m. There isn't a mention of a minimum width that the hedgerows will be managed to, which should be included within a LEMP.
- It is understood that skylark could be detrimentally affected by the proposals, and that due to the potential loss of breeding and foraging habitat for this species, that mitigation habitat will be provided. This may be provided off-site if not possible within the application site. The proposals are understood to provide 3ha of skylark plots within fields of winter or spring cereal crops comprising bare plots (approximately 4x4m in size). Further information will be required on the location and management of the skylark plots.

- Following review of the ecological information submitted along with the Shadow Habitat Regulations Assessment (sHRA), titled Shadow Habitat Regulations Assessment (October 2023) prepared by prepared by The Environmental Dimension Partnership Ltd, SES has considered the content and measures designed to mitigate the impacts of the proposed development on the Mells Valley SAC. The Council agrees with the conclusion that any such impacts will be fully mitigated considering the measures proposed and that, as a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Mells Valley SAC site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2019 (EU Exit) (as amended). This endorsement is subject to Natural England concurring with the Councils' conclusions as well as the implementation of the conditions/ s106 agreements below.
- Recommended conditions:
 - Creation of 11.28ha bat habitat enhancement
 - Submission and agreement of all buffer zones adjacent to hedgerows
 - Mammal gaps in boundary security fencing
 - Submission and agreement of a construction environmental management plan (CEMP: Biodiversity)

- Submission and agreement of a Landscape and Ecological Management Plan (LEMP)
- Protection measures for retained hedgerows and trees
- Vegetation removal protections during the bird nesting period
- Submission and agreement of a Farmland Bird Management Strategy to include skylark plots
- Ecologist inspections of trees for bats before felling
- Lighting design for bats
- Submission of great crested newt district level licence issued by Natural England
- Reptile protection measures during construction
- Protection measures for hazel dormice
- Additional badger survey prior to construction
- Ecological enhancement measures
- Recommended informatives:
 - Reminder of the legal protections of badgers and recommended construction protection measures.
- It is recommended that LEMP and Farmland Bird Management Strategy are secured via a s106 agreement due to the long term and/or off-site nature of the requirements.

Natural England: No comments received

Designing Out Crime Officer, Avon and Somerset Constabulary: No objection subject to comments (summary of all comments)

- The crime and anti-social behaviour figures for this area can be seen as low. However with this type of application, the crime risk is dependent upon the type of project i.e. the risks to a solar farm per se. Solar farms (and Battery Energy Storage sites) contain several asset types that would be attractive to a motivated offender.
- Crime generated due to the high cost of precious metals is still very prevalent in the rural setting. The risks to the sites are not only the theft of the panels but also thefts of batteries, cabling, metals and alike.
- It is important to consider not only the financial implication any attack on the site would no doubt incur, but also the potential impact the interruption of power generation would have on the locality.
- I have recently been made aware that intelligence has shown that nationally theft from solar farms has continued to grow, with the theft of cables being the most frequent type of attack.
- Recommendations:

- Perimeter fencing could be susceptible to cutting or climbing and should be enhanced for security purposes
- Recommend consideration of CCTV systems in low light, and incorporating lighting
- Consider suitable locks on buildings
- Maximising the amount of buried cabling, outside no dig areas
- Individual equipment should be marked to make it identifiable and secured with anti-tamper fixings

Tree and Woodland Officer: no comments received

Biodiversity and Landscape Officer: no comments received

Wiltshire Council: no comments received

CPRE Somerset: Objection

- Impact on the setting of Rode
- Excessive scale proposed
- Conservation harm
- PROW harm
- Landscape harm
- Fire and safety concerns of battery storage
- Incomplete information and disagree Rochdale principle can be applied here.
- Disagree with the site selection and assessment of alternative sites.
- Disagree with the level of electricity proposed to be generated, site efficiency questions,
- 40 year timescale is significant and not temporary.
- Loss of agricultural land.
- Benefits are overstated by the applicant.
- Harm to landscape.

Local Representations:

Objections:

60 people/couples/organisations have submitted objection comments on this application, including some who have submitted comments on more than one occasion. Objections are summarised below:

- Visual impact/landscape harm – excessive scale; impact on rural landscape; impact on Rode; cumulative impact of other solar farms in the area; site is fragmented which will increase impact; planting takes years to establish and screen; deciduous planting would not screen the development in the winter; industrial character of proposed development would be harmful in this rural location; associated signage would be harmful to local character.
- Site selection/alternatives – more appropriate alternative locations should have been progressed instead; brownfield sites should be considered instead/first; alternative energy generation measures should be considered; solar should be mixed with other technologies; disagree with the site selection and assessment of alternative sites; there are permitted development rights for solar on rooftops; development is not needed.
- Benefits – insufficient direct local benefits; long term benefits unclear; benefits have been over stated; Somerset Council should designate land and facilitate renewable energy development.
- Efficiency – large solar farms are inefficient, small scale development is more efficient; not an optimal technology and only generates power on sunny days, and not at night.
- Inadequate community engagement.
- Insufficient planning obligations.
- Harmful impact on tourism and associated economy.
- Highway impact – insufficient capacity on the local network; safety concerns; deterioration of road surface; risks to non-motorised road users and horses; available alternative access routes should be considered; inadequate emergency service vehicle access; Monkley Lane is unsuitable; insufficient visibility splays; insufficient road width and stability, and no passing places/room for passing places on Monkley Lane; passing places identified by the applicant are not passing places and are usually blocked off by vehicles, bollards or stones; vehicles overhanging the highway on private land will not be permitted; traffic movement submissions inaccurate/misleading; construction traffic may be concentrated and not spread over the construction period which would increase impacts; disagree with the comments from the Highway Authority; Monkley Lane does not meet NFCC guidance as it is not a suitable access; if approved, the speed limit on Monkley Lane should be reduced to 10MPH, wheel washing should be in place, and the condition of Monkley Lane should be monitored; construction traffic would undermine existing

neighbouring agricultural uses including cattle movement; construction traffic may undermine a resident doctor on Monkley Lane attending medical emergencies.

- Loss of agricultural land - Maize grows on the fields; disagree with the conclusions of the conclusions of the land assessment; Somerset Council should commission its own soil assessment; farming practices could increase the agricultural quality of the land
- Are there delays connecting to the grid?
- Harm to trees and hedgerows
- Harm to ecology
- Amenity harm – noise and disturbance; construction traffic, noise and disturbance
- Harm to PROWs – including noise impacts and flooding on the byway and harm to horses
- Drainage/flooding
- Outside settlement limits in open countryside
- Conservation harm – listed buildings; conservation area; scheduled monument
- Inadequate application - inadequate/unclear/misleading application documentation; incomplete application; errors on application form – trees are proposed to be removed; there could be further development not described in the application (e.g. pylons).
- Fire and safety concerns associated with battery storage.
- 40 years is not temporary.
- Sustainability - equipment cannot be recycled; carbon footprint of works unknown; increased carbon footprint through impacts on food production and flying food; solar panels are not carbon neutral.
- Support solar development generally.
- Information on the decommissioning bond between the applicant and the operator should be publicly available to ensure decommissioning is acceptable.
- Pollution and land/water contamination concerns.
- Insufficient information submitted on the social and well-being impacts of the development.
- Reflective panels would be a danger to passing planes and air balloons.
- Agree with comments from CPRE.
- Agree with the comments of Rode Parish Council.
- The land would be of little/reduced use after the solar development.
- Part of the site has enforcement history through unauthorised hedgerow removal which was not reinstated – enforcement needed.
- Updated information has not overcome concerns.
- Disagree the development should be described as a solar ‘farm’.
- Delivery of 10% BNG has not been substantiated.
- Some support comments are made by people who will benefit financially from the proposal.

Non planning matters:

- Property devaluation
- The applicant is seeking to make a profit.

Neutral:

Two neutral comments have been received, as summarised below:

- Support ecological appraisal. Ecological mitigation and enhancement recommendations must be controlled by conditions.
- Monkley Lane – safety concerns; impacts on horses and riders; inadequate passing places and road width; disagree with comments from the Highway Authority; alternative access should be progressed.

Support:

Four people have submitted comments in support of the application, including some who have commented on more than one occasion. One has declared themselves an application site landowner. Objectors have stated more than one is an application landowner. Even if comments are received from applicants/landowners, they can be considered. Comments are summarised below:

- Land is lower quality agricultural, and sheep grazing can continue on the land.
- Benefits include improvements to air quality, water quality and biodiversity, and significant contribution to renewable energy.
- Renewable energy is needed.
- Solar energy is very safe, clean and reliable.
- Solar is the cheapest energy.
- Visual impacts very low, particularly with planting.
- Development would make other farmed land more financially viable.
- Diversification and multifunctional use of land.
- Welcome proposed mitigation for ecology and trees.

Other Public Consultation Matters:

Any comments from members of the public/organisations submitted on the basis that they are not published cannot be formally considered as part of this application. It is noted that such comments have not raised any matters not already considered.

Although some have requested their comments are circulated to all members of the planning committee, due to the volume of comments received this is not practical. Comments are published on the application file on the council's website in line with privacy policies - unless comments are submitted anonymously, in which case they are not published.

One set of comments was submitted with name and contact details included. However, a later email from the email address on these comments stated this person had not submitted these comments. Notwithstanding, these comments raise no new issues and they have not been counted in the number of objectors.

Full details of all consultation responses can be found on the Council's website: [Simple Search \(mendip.gov.uk\)](https://www.mendip.gov.uk)

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (2014)
- Mendip District Local Plan Part II: Sites and Policies – Post JR Version (2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Rode Neighbourhood Plan (2017)

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

- CP1: Spatial Strategy
- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP4: Mendip's Landscapes
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards
- DP16: Open Space and Green Infrastructure
- DP23: Managing Flood Risk

The following policies of the Rode Neighbourhood Plan (2017) are relevant to the determination of this application:

- Policy 4: Design of Buildings and Public Space
- Policy 5: Settlement Boundary
- Policy 6: Protection of Local Heritage
- Policy 7: Promoting Sustainable and Safe Travel
- Policy 8: Rights of way and the pedestrian and cycle network
- Policy 9: Parking

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG), including Renewable and Low Carbon Energy (2023)
- Overarching National Policy Statement for energy (EN-1) (2024)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)

- Creating Places for People, Somerset Council (consultation draft, September 2023)
- Historic Environment Good Practice Advice in Planning Notes, Historic England (2015)
- Rode Conservation Area Character Appraisal (2009)
- Rode Village Character Assessment (2016)
- Somerset County Council Highways Development Control Standing Advice (2017)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (2021)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Manual for Streets (2007)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- National Design Guide (2021)
- Environment Agency Standing Advice
- National Character Area Profile: 117 Avon Vales, Natural England (2014)
- Assessment of Special Landscape Features (2012)
- Mendip Landscape Character Assessment (2020)
- Somerset Habitat Evaluation Procedure Methodology (2016)
- Historic England, 2021 Commercial Renewable Energy Development and the Historic Environment, Commercial renewable energy
- Grid Scale Battery Energy Storage System planning – Guidance for FRS, National Fire Chiefs Council (2022)
- National Policy Statement ‘Overarching National Policy Statement for energy’ (EN-1) (2021)
- National Policy Statement for Renewable Energy Infrastructure (EN-3) (2023)
- Somerset Energy Investment Plan (2024)

Assessment of Relevant Issues:

Principle of Development:

Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” (LP1) says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the development limits where CP1 states that any proposed development will be strictly

controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Policy 5: Settlement Boundary of the Rode Neighbourhood Plan (RNP) (2017) reiterates the spatial strategy as set out in the Local Plan, and confirms that development in open countryside should only be supported if it complies with other policies within the Local Plan.

Whilst the Local Plan does not specifically refer to solar development, it is considered to accord with Policy CP1 in broad terms due to the economic benefits. It is acknowledged that CP1 and CP4 (which hangs off CP1) together with their supporting text, allow for some development in the countryside. Regardless, national policy sets a clearer and broadly positive policy position on the principle of solar development and acknowledges the need for countryside locations. Additionally since the adoption of the LP1, documents that show local support for the principle of solar development as part of measures to deal with the climate emergency have been produced, as set out below.

Chapter 2 of the National Planning Policy Framework (NPPF) sets out the need to deliver sustainable development. Paragraph 157 of the NPPF encourages renewable energy development that contributes to *“reductions in greenhouse gas emissions”* and *“support renewable and low carbon energy and associated infrastructure”*. Paragraph 163 of the NPPF includes criteria for the consideration of applications for renewable and low carbon development including a) not requiring applicants to demonstrate a need for the development; and b) approving applications if their impacts are acceptable. The NPPF makes it clear that an increase in renewable energy supply is encouraged, and local plans should consider identifying suitable areas for such development.

The Government’s NPPG on Renewable and Low Carbon Energy confirms that, *“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”*

The NPPG goes on to set out areas for consideration of large solar farm proposals as follows:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#) and [written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015](#).*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*

- *the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”*

The National Policy Statement ‘Overarching National Policy Statement for energy’ (EN-1) (2021) sets out policy for large scale energy development. It is noted that this proposal would produce 49.9mW and therefore fall outside the scope of a Nationally Significant Infrastructure Project (NSIP).

The National Policy Statement for Renewable Energy Infrastructure (EN-3), which was published in 2023, states: *‘There is an urgent need for new electricity generating capacity to meet our energy objectives.’*

The Local Plan does not include a policy specifically relating to solar energy or renewable energy therefore the NPPF, EN-1 and EN-3 are the most up to date and relevant policy available. The Local Plan sustainability objection SA03 is to *“Promote increased energy production from renewable sources and encourage a reduction in consumption of energy.”*

In February 2019, Mendip District Council declared a Climate and Ecological Emergency pledging to make best endeavours to enable the district to be carbon neutral by 2030. This notes that a reduction in carbon emissions is needed and *“Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm.”*

In August 2021 Mendip District Council adopted a Carbon Management Plan to guide its path towards decarbonisation. The plan includes the ambition to increase local PV capacity.

Somerset Council’s recently published ‘Somerset Energy Investment Plan’ addresses high level solar development, and it is anticipated this will form one of the new Local Plan evidence base documents. The aspirations for the document are summarised thus:

'The Energy Plan also models a 100% sensitivity. In addition to the current pipeline of projects and the Net Zero Pathway capacity, a further c.2.8 GW of solar and c.400 MW of onshore would be required to deliver the equivalent of 100% of future energy demand from local renewables. This level of deployment is unlikely to be achieved, given Somerset's wind resources are fairly limited outside of the National Park and National Landscapes and given other constraints such as grid capacity, skills availability and market forces. However, Somerset is part of the UK's energy system and achieving net zero is not dependent on generating 100% of energy demand from local sources – national scale projects, including offshore wind and Hinkley Point C, will have a role to play alongside local renewables. In the future, there is a possibility of additional local contributions from geothermal and tidal power.'

The development of large scale solar, wind and battery storage development is set out as one of six key opportunities as follows:

'With excellent solar and some wind resources across Somerset, opportunities for new generation projects are widespread, with opportunities to bring income and other co-benefits to the area's rural communities. Storage projects are also needed to bring flexibility and grid services to the energy system.'

The Council is considering developing a land use framework for Somerset. The development of this framework presents an opportunity to reconsider the planning balance between landscape, farming, renewable generation, energy storage and nature, by drawing together relevant spatial datasets to enable informed discussion.'

The Council is due to develop a new Local Plan, presenting the opportunity to include positively worded policies for solar and wind and to embed these through guidance and training for officers and councillors.'

No sites have been included or consulted on to date, but high level analysis states there is potential for solar development as summarised in the document thus:

'Analysis of potentially suitable land for solar power shows widespread availability across Somerset, outside of Exmoor National Park and the National Landscapes. This is reflected in the distribution of existing sites, which are situated across the county outside of these designated landscapes. Within Somerset's designated landscapes, there may still be suitable locations for solar for individual businesses or properties in proximity to existing built forms, so long as they avoid open moorland and high coastal heaths. For example, several multi-MW sites have already been developed in the Blackdown Hills.'

In relation to energy storage, the Somerset Energy Investment Plan makes it clear that this form of development is a required part way forward with recommendations including:

'The Council should develop policies that support the development of storage in appropriate locations. Recent storage planning applications have been turned down in other areas of the UK as storage has not been viewed by planning committees as having a clear role in the energy transition and has been seen to represent industrialisation of the countryside. Guidance for planners and councillors should be developed that identifies the clear role of storage in the Net Zero Pathway and sets clear criteria for how to accommodate storage in Somerset's rural areas.'

The Local Plan does not allocate sites for renewable energy development. Whilst brownfield sites are preferred for such development, the NPPF does not preclude greenfield sites, and outlines issues to carefully consider.

Although there is no policy requirement for applicants to demonstrate the need for renewable energy development (para 163a of the NPPF), the applicant has summarised need in their 'Planning Benefits Letter' (received 14.03.2024) thus:

'As indicated above, there is an urgent need to meet the current annual electricity demand (2,338GWh in 2021) within the Somerset County area. Somerset Council would need to approve 36 solar farms by 2030. Given that all energy demand in Somerset must come from low-carbon sources before 2050 to meet nationally binding targets, over 250 solar farms would be required to deliver the same

quantum of energy from low-carbon sources. Given the sheer scale of capacity required, it is clear that the pipeline of proposals to develop low-carbon energy in the County does not meet the identified need, and therefore it will require other technically feasible solar generation developments to be consented, as well as, rather than 'instead of', the Proposed Development.'

It is important to note that the NPPG makes it clear that need for renewable energy does not override other matters, including matters raised by the local community, and applications must be considered in the planning balance:

'The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities. As with other types of development, it is important that the planning concerns of local communities are properly heard in matters that directly affect them.'

The application has been supported by a report summarising the consideration of alternative sites. Comments received have disagreed with the conclusions of this, but there is no policy requirement to consider alternative sites. Also, whilst brownfield sites are preferable, there is no requirement to follow a sequential approach to site selection and greenfield sites can be supported where impacts would be acceptable. Some consultation comments have suggested alternative sites are delivered instead, such as next to motorways or on rooftops. Although alternative sites have been suggested, as well as alternative renewable/low carbon solutions, the application needs to be considered on its own merits and as submitted.

Consideration of alternative sites was also considered at a recent appeal ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent which was allowed on 05.02.2024:

'47. There is no requirement to carry out a sequential analysis of alternative sites as suggested by the Council. Had there been such a requirement in policy or advice it would surely have said so. The recent judgement in Bramley Solar Farm v SOS for

*Levelling Up, Housing and Communities*⁶ says just that in finding that PPG does not mandate the consideration of alternatives, still less that a sequential test be adopted. The best that can be said is that in cases such as this it should be shown that the use of agricultural land has been demonstrated to be necessary, and that could involve an assessment of potential alternatives.

48. In any event the Appellant has carried out a search of the area which lies close to the existing 132kV line which runs roughly north to south through the Borough and beyond. Although evidence of earlier searches is limited, I take at face value the fact that an area beyond Maidstone Borough was involved. There have been other locations identified for potential development and those alternatives were not pursued for good reason. However, this is something of a moot point as I am not considering competing alternative locations. I must make my decision based on the circumstances of this case.

49. The Council accepts that the Borough in general has a higher than national average proportion of BMV, and I accept that it would be difficult to find an alternative site which was entirely made up of lesser quality land. Criticism was levied at the Appellant's lack of detailed land quality assessment studies at alternative sites. But requiring such extensive, time consuming and no doubt expensive analysis (even if permission was granted by the landowner) would be a disproportionate and unreasonable burden on prospective developers. In the light of the climate change emergency declared in 2019 and the UK's binding net zero targets, alongside the fact that this land has not been identified for its high environmental value, I am left in no doubt that it has been demonstrated that the use of agricultural land is justified in this case.'

It is acknowledged that grid connection does not weigh in the planning balance. This matter was also considered at a recent appeal ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent which was allowed on 05.02.2024:

'61.... The fact that the Appellant has a grid connection agreement in place is material in that the scheme could be delivered quickly, but this is a neutral point as other schemes could no doubt be connected in its place, if not in this exact location.'

Agricultural Land:

The value of the agricultural land is an important factor. The written ministerial statement on solar energy issued in 2015 and referenced in the NPPG makes it clear that the use of lower quality agricultural land is preferable, but does not prohibit the use of higher quality agricultural land.

Agricultural land is classified as follows:

- Grade 1 - excellent quality agricultural land with very minor or no limitations to agricultural use.
- Grade 2 - very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting.
- Grade 3 - moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Subdivided into:
 - Subgrade 3a (good quality land); and
 - Subgrade 3b (moderate quality land).
- Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
- Grade 5 - very poor quality land, with severe limitations which restrict use to permanent pasture or rough grazing.

Annex 2 of the NPPF definitions includes:

“Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.”

Natural England’s ‘Guide to assessing development proposals on agricultural land’ (Feb 2021) confirms that classifications can be assessed as follows:

“A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the:

- *range of crops that can be grown*
- *yield of crop*
- *consistency of yield*
- *cost of producing the crop”*

This Natural England (NE) guide also includes an explanation of the classifications and examples of likely crops as in the extracts below:

“4.4 Subgrade 3a – good quality agricultural land

Land capable of consistently producing moderate to high yields of a narrow range of arable crops, especially cereals, or moderate yields of crops including:

- *cereals*
- *grass*
- *oilseed rape*
- *potatoes*
- *sugar beet*
- *less demanding horticultural crops*

4.5 Subgrade 3b – moderate quality agricultural land

Land capable of producing moderate yields of a narrow range of crops, principally:

- *cereals and grass*
- *lower yields of a wider range of crops*
- *high yields of grass which can be grazed or harvested over most of the year”*

Indicative mapping from Natural England suggests the site includes grade 3 (good to moderate) land; but this information is intended for high level review and not detailed planning application consideration. The Natural England website confirms:

“These maps are not at a scale suitable or accurate for assessment of individual fields or sites.”

The application includes an Agricultural Quality report prepared by Land Research Associates. This is based on site soil surveys using best practice methodology (*Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land*, MAFF Publications, 1988) as summarised in the extract below:

'2.1 A detailed soils and agricultural quality survey was carried out in April 2023 in accordance with MAFF (1988) guidelines². It was based on observations at intersects of a 100 m grid, giving a density of one observation per hectare. During the survey, soils were examined by a combination of pits and augerings to a maximum depth of 1.2 m. A log of the sampling points and a map (Map 1) showing their locations are in an appendix to this report.

2.2 The soils vary in drainage and depth. The main soil types are described below. Soil pits were dug at five locations within the survey area and the information from all pits is included in an appendix to this report.'

The submitted Agricultural Quality report confirms that 4% of the site is made up of subgrade 3a quality land, which is considered '*good quality agricultural land*' and within the definition of '*best and most versatile agricultural land*' (BMVAL). 95% is made up of subgrade 3b, which is '*moderate quality agricultural land*' and outside the definition of BMVAL. The final 1% is other land not used for direct farming (e.g. tracks and ponds), which is also outside the definition of BMVAL.

A recent appeal decision for a solar development at Land SE of Poplar Farm, Harps Hall Road, Walton Highway, Wisbech, Norfolk considered this matter. In a decision issued on 5th March 2024, the Inspector concluded that even though in this case 54.8% of the site was considered BMVAL, this was very small in the context of the other available agricultural land in the district (emphasis added):

'33. A significant part of appeal site (roughly 54.8%) comprises Best and Most Versatile Agricultural Land (BMVAL)¹¹ as defined by the glossary of the National Planning Policy Framework (the Framework). This is land that for a period of 30

years – a time period which could reasonably be secured by planning condition – would not be readily available for arable farming. However, it would be available for grazing and pasture. This is a common approach used on solar developments in order to manage the grassed areas around solar panels and represents a de facto dual use of the land for both agriculture and creation of renewable energy.

34. The development of 33ha of agricultural land (with relatively low physical impact being simple piled insertions into the ground) would represent a tiny fraction of the totality of arable land availability within the Borough. Even at the full extent of the appeal site, of around 87ha, this would represent about 0.08% of the arable area in the Borough. Put another way, this would be 87ha out of approximately 142,857ha total farmable area in the King's Lynn and West Norfolk area, and 87ha within the East of England area of approximately 1,394,000ha. These figures are contained within the agreed SOCG12. The quantum of the development proposed would be relatively insignificant within the substantial available agricultural land within this area.

35. Furthermore, the agricultural land would not be 'lost'. It can continue to be farmed, albeit in a different way, with the grazing of sheep or similar animals. What is more, at the end of the life of the solar farm, in 30 years time, the relatively simple act of removing metal stakes and associated infrastructure from the site would allow its use to return to arable farming, should that be the most effective and efficient use of the land at that time. The land would not, as the Council suggests, be lost. Albeit for a period of 30 years it would be used for different agricultural purposes than arable farming, being instead a mix of pasture farming and as a solar farm.

36. It should be noted that in practical terms the planning system has very little control over the crops or animals that farmers decide to use their land for. As indicated in the evidence of Daniel Baird, (for the Appellant on Soil quality and the only agriculture-related witness before the Inquiry) 'Farmers are able to grow crops for energy production rather than food production. The site is currently in rotations of whole crop maize and sugar beet which are destined to supply Anaerobic Digester (AD) plant generating power... the most productive crop is miscanthus...will

average 63MWh/ha/year...biodiesel from an oil seed crop will average 11MWh/ha/year...In contrast the Applicant anticipates an energy output from this site of 724MWh/ha/y.’13 The distinction in this case, is that the site would be used not only for the creation of renewable energy – and of a greater level than existing arable crops on the site, but also continue to be used for agricultural purposes. In light of such circumstances, I do not find that the proposal would result in a ‘significant loss of agricultural land’ as is resisted by part a) of Policy DM 20 of the LP.’

This decision is consistent with other recent solar appeal decisions, including decision ref APP/V2635/W/22/3313702 which was issued on 23rd August 2023 relating to Land at Sedgeford Hall Estate, Fring Road, Sedgeford, Norfolk. On this matter the Inspector also concluded thus:

‘5. The Council’s objection relates to just one issue, that the proposal would result in the significant loss of agricultural land and thus conflicts with Policy DM20 of the Site Allocations and Development Management Policies Plan 2016 relating to renewable energy proposals. The policy includes criteria against which the benefits of energy generation will be balanced, but also states that the Council will resist proposals that involve best and most versatile agricultural land or where there is a ‘significant loss of agricultural land’. The first of these is met, 98.7% of the site being classified as Grade 3b due to droughtiness, stoniness and erosion as a secondary factor¹. 1.3% is not in agricultural use. Poorer quality land limits its use to lower value conventional commodity crops, less important to the UK economy than specialist niche crops which can be grown on better quality land graded 3a and above.

6. The Council argue that the second issue, whether there is a significant loss of agricultural land, is a purely quantitative point with no reference to the productivity or circumstances of the land. However, the policy includes no guidance figure as to what would be an unacceptable loss and no previous decisions are put forward as a reference point. Interpretation of the phrase must therefore be subjective. Interestingly, the equivalent policy in the Local Plan Review now under examination drops this criterion and seeks to protect ‘productive’ agricultural land in addition to

land classified as the best and most versatile. There is no evidence that this change is the subject of significant objection or is likely to be found unsound.

7. It is in fact illogical not to consider productivity and circumstances as a factor as quantity alone is not a measure of agricultural value which the policy rightly aims to protect. 8. The 45 ha concerned in this case is farmed by John Cross, a tenant farmer on the Sedgford Hall Estate, who supports the proposal. The site represents just 9.1% of the total area of the business but more importantly the three fields are amongst the most drought prone on the farm due to the freely draining deep sand subsoil which severely affects their productivity in dry periods. The land has historically been used for a rotation of arable crops, potatoes, sugar beet and fattening pigs, with cereal crops being grown at the time of the site visit, but wheat yields from the site are only an average of 8 tonnes per ha rather than 10 t/ha achieved elsewhere on the holding. In fact, higher input costs combined with the increasing risk of drought periods now threaten the viability of cereal production on the land with lower risk sheep or other grazing a more likely use in future. Cereal and other crops are more profitably grown where yields are higher elsewhere on the farm where chalk-based subsoils are more drought resistant. The impact of the proposal on the agricultural output of the farm would thus be much less than the 9.1% land take would suggest.

9. Use of the site for solar power generation would provide a more predictable and steady income which would actually support the viability of the farming operation as a whole. Sheep grazing is planned to continue between and under the panels, continuing an agricultural use and improving soil fertility over time. The scheme would also be fully reversible with full agricultural use recommencing in 40 years' time.

10. For these reasons, whilst 45 ha is a sizeable area, the proposal would not result in a significant loss of agricultural land and would therefore comply with Policy DM20 of the Site Allocations and Development Management Policies Plan.'

A further appeal decision ref APP/U2235/W/23/3321094 at Land north of Little Cheveney Farm, Sheephurst Lane, Marden, Kent was allowed on 05.02.2024. This accepts the loss of agricultural land, accepts the argument that the agricultural land would benefit from a rest, and notes the land can be returned to agricultural use following the end of the solar farm permission:

'50. ... The loss of this limited area of BMV would be relatively insignificant given the amount of such land in the locality. For that reason the impact on food production would also be likely to be correspondingly insignificant, especially as grazing by sheep as intended would retain some food production capacity on the land.

51.... In reaching this judgement I also bear in mind that the proposal is for a time limited period (albeit of significant longevity) and that there is nothing to contradict the Appellant's evidence that the land would benefit from a change in the nature of its use – essentially that a 'rest' from intensive arable production would enhance land quality.

52. Taking this issue in the round I am satisfied that the use of agricultural land has been demonstrated to be necessary here. Furthermore, I have found no persuasive evidence to suggest that BMV land should be precluded from the proposed use. The presence of BMV at the quantities identified here is not, in my judgment, a predominating factor in determining whether the land is suitable for the proposed use. Rather the opposite is true, and there is compelling evidence that its use would be acceptable, especially in light of the opportunity to reverse the impacts of development in due course. There would therefore be no conflict with the objectives of LP Policy DM24 (2) or (3) in this regard, nor with national policy and guidance.'

Notwithstanding the above, each proposal and site is different, and the is application is assessed on its own merits. Nevertheless, it is clear that recent appeal decisions support the principle of loss of agricultural land.

Neighbour Comments on Principle of Development:

Various neighbours disagree with the agricultural land assessment submitted with the application. This report states it was prepared by R E Leverton PhD, MRSB, FISOilSci of Land Research Associates Ltd. This report is accepted in good faith as it has been prepared by an expert in this field. Although neighbour comments have suggested the council commission an independent agricultural land assessment, there is no requirement or resource for the local planning authority to undertake such work.

Neighbour comments have suggested solar development would undermine future agricultural practices after the solar development has been removed from the site. There is no known evidence to support this position. It is noted that the applicant has put forward the opposite case stating resting the land would be of benefit in agricultural terms.

Neighbour comments have also suggested that poor agricultural practices have led to a reduction in the quality of the land. This has not been evidenced. There are no controls on agricultural practices, and the policy tests for agricultural land quality assessment have been met.

Neighbour comments have suggested the council should allocate land and facilitate solar farm development. The scope of the local planning authority is to assess the planning application as submitted.

Neighbour comments have also questioned the efficiency of solar farms, the suitability to the Somerset climate and the lack of power generation during the night. Notwithstanding these concerns, the solar farm would likely generate a significant amount of renewable energy, and the benefits (including how much electricity the proposal would generate) and harms need to be weighed in the overall planning balance.

Neighbour comments have also suggested alternative site should be considered first/instead. As above, whilst brownfield sites should be considered as a preference, there is no in principle policy exclusion of greenfield sites. Notwithstanding that other solar

development proposals could come forward on other sites, the local planning authority needs to determine this application.

Conclusion on Principle of Development:

In conclusion on this matter, the principle of development is considered acceptable if the impacts of development are acceptable, such as landscape, highways, heritage, drainage, etc. These issues are dealt with below. The assessment of this application and overall planning balance is summarised at the end of this report.

Design and Impact on the Street Scene and Surrounding Area:

Policy DP1 of the Local Plan states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. It also states that:

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

The local area has a rural and open character. The proposal would see the loss of agricultural land in favour of solar panels and associated development for 40 years. Panels would be circa 3.2m in height set in frames in rows.

As outlined above, the final proposal has been amended in an effort to address matters raised by officers, consultees and neighbours. Following amendments (including removal

of panels and enhanced planting near Flexham Farm, and reinstatement of historic field hedgerows) an initial objection from the Landscape Officer has now been removed.

Planting is proposed adjacent to the PROW's. This would soften the impact of the development for the users of the PROW.

The proposed access tracks would go through parts of the site and sit adjacent to field boundaries in other parts of the site. This is proposed to be constructed of aggregate and this is concluded to be acceptable and not unduly prominent in design and landscape terms.

The substation development and buildings would be largely clustered in zone 16 - single storey in height; screened by planting and not prominent within the landscape; and integrate to this rural setting. The inverters would be scattered across the site. Although industrial in style, as single storey, modest structures they are considered acceptable. A condition is recommended to control the material finish of the buildings, inverters, etc.

Although the solar farm would be visible from the road and PROW network, this view would be temporary. Although some harm is identified through changing of the open rural character to a solar farm, due to the site context, design and planting mitigation proposed, on balance the proposal is acceptable in this case. This is in the context of significant contributions to renewable energy generation.

The proposal includes retention of the panels for 40 years. After which time the site would be decommissioned - the panels would be removed and the land returned to agricultural use. Although this is a significant time period, it is a fixed period and panels are not proposed in perpetuity. This has weighed in the planning balance. Although comments have questioned whether the land could be adequately returned to its current state, there is no reason to conclude this could not be achieved. Details of decommissioning are recommended to be controlled via conditions.

The Landscape Officer has confirmed that the solar panels should be black and matt. The application has submitted a glint and glare report which confirms acceptable levels of reflectivity. The applicant has also subsequently confirmed the panels would be black in colour, updated from the indicative illustrations as submitted with the application. A condition is recommended to ensure the panels would be black in colour, in order to reduce impact on the landscape settling.

Comments from the Designing Out Officer at the Police have included some suggestions to improve security. Some of these sit outside the scope of planning such as locks and anti-tamper equipment. Fencing and lighting needs to be considered against other factors, such as ecology and landscape impact. The proposal as submitted is considered acceptable in this balance.

In conclusion on this matter, harm to the character of the area has been identified by way of the significant change a large solar farm would make in this rural location. However, this harm is for a temporary period (albeit 40years) and outweighed by the benefits of the proposal. 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 Development Policies 1, 4 and 7 of the adopted Local Plan Part 1 (2014), policy 4 of the Rode Neighbourhood Plan (2017) and Part 12 of the National Planning Policy Framework.

Landscape:

The landscape character falls under B3 *Lower Frome Valley* in the Mendip Landscape Character Assessment. Although the site is not subject to any formal landscape designations, it is pleasant and relatively unspoilt.

Policy DP4 recognises the quality of Mendip's landscapes and states that development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported. It suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features.

Whilst it states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported, as with DP1, it also makes it clear that any decision making will *'take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location'*.

The Council appointed an experienced specialist Landscape Consultant to review this application at pre application stage. The application was then considered by the Landscape Officer in the Somerset West Team. Following discussions with the applicant, amendments have been made and final comments from the Landscape Officer confirm the proposal is considered acceptable in landscape terms. The applicant has submitted an LVIA with the application, and the Landscape Officer has not expressed significant disagreement with this, and indeed not objected to the proposal.

There would be a landscape impact, particularly for the users of the PROW network. Whilst it may be argued that it is not uncommon or unreasonable for users of the PROW to see a solar farm, this harm does exist and needs to be considered in the planning balance. Planting is proposed as part of the application, including buffer areas adjacent to the PROW to reduce and soften impacts. It is noted that the Landscape Officer acknowledges this harm but concludes it is now acceptable.

As outlined in consultation comments, the proposal would be a significant change from the current agricultural use. The landscape harm is acknowledged, and this weighs in the overall planning balance.

The landscape assessment has considered the cumulative impact of other development in the area, and it is concluded that a refusal on this basis would not be warranted.

In conclusion on this matter, although the proposed development would change the character of the landscape, including for the PROW network, road network, residential properties and the village of Rode, this is considered acceptable in relation to the benefits of renewable energy generation.

Residential Amenity:

The proposed development is proposed in a rural location and would sit close to a small number of residential properties. The development itself would not be harmful to residential amenity including by way of noise, smell, overlooking and overbearing impact.

Some neighbours have raised concerns including in relation to noise from the substation and battery facility to nearby residents and users (including horses) of the PROW. The application has been supported by a Noise Assessment, prepared by LF Acoustics. This has been reviewed by the noise specialist in the Environmental Protection team who has raised no objections.

Although construction may lead to some level of local disruption, this is short term and is not a justification to withhold planning permission. Although a Construction Traffic Management Plan has been submitted to the overall satisfaction of the Highway Authority (HA), the HA has confirmed that further information is required, therefore a condition is recommended to ensure a Construction Traffic Management Plan is submitted and agreed prior to construction commencing. This would aim to ensure construction disruption is minimised.

Given the nature of the development and the distance to residential occupants, the proposal is considered acceptable.

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

Health and Well Being:

The benefits of the site in relation to health and well being are acknowledged. This includes use of the PROW and landscape views. The PROWs are proposed to be retained for ongoing use. An additional permissive bridleway is also proposed which would enhance the local network for the lifetime of the permission.

Sufficient information has been submitted to allow assessment of the application.

In conclusion on this matter, this proposal has been considered in relation to paragraphs 96 and 97 of the NPPF including promoting social interaction, safe and accessible places, community cohesion and healthy lifestyles to address local health and well-being needs, and is concluded to be acceptable in this regard.

Highway Issues:

Three access points are proposed as follows:

- Access 1 - from Rode Hill, a classified unnumbered highway subject to a 40mph speed limit at the point of access, utilising the existing Rode Hill Fishery access.
- Access 2 - from the A361, subject to national speed limit at the point of access, and utilising the existing Rode Common and Rode Farm access.
- Access 3 - from Monkley Lane, an unclassified highway subject to national speed limit at the point of access, and via an existing farm access.

The application has been supported by a Transport Report (including details on accesses) and a Construction Traffic Management Plan, both prepared by Mott MacDonald. Additional information has been provided including a response report prepared by Mott MacDonald, visibility splay drawings for Monkley Lane (access 3); and a drawing showing gates, holding area and passing place details on A361 (access 2). Minor works are proposed to trees along Monkley Lane as summarised by the highway response report thus:

A cross-section plan showing the available carriageway widths along Monkley Lane has been prepared using topographic survey data and is shown at **Annex D**. As noted previously, Monkley Lane already serves a range of large vehicle types associated with the farm and other existing land uses.

In respect of the tree canopy height along Monkley Lane, further tree survey data has been gathered by a tree specialist. This has identified that some minor trimming works and branch removal would be required to raise the crown and ensure a minimum clear height of 5m is available above the carriageway along Monkley Lane.

The Highway Authority (HA) at Somerset Council has reviewed the application, including additional information submitted during the life of the application. After a comprehensive review, as summarised in the consultation section above, the HA has concluded the application to be acceptable subject to conditions.

It is noted that significant concerns have been raised by Rode Parish Council and residents about the suitability of Monkley Lane to accommodate the development, both during construction and through the operation of the proposed development. The HA has commented on these concerns as follows:

- A tree report has been submitted for Monkley Lane to show those trees that may require some attention in terms of raising the canopies to enable the higher articulated vehicles to utilise it. This is considered acceptable and can be conditioned.
- A survey of the lane has been undertaken to show the varying widths of Monkley Lane. Whilst it is noted there is a particularly narrow point of 2m along the lane, this is only one small area.
- Whilst it is acknowledged that there may be some oversailing of large vehicles whilst exiting the site onto Monkley Lane, this area is designated highway land according to road records and not private.
- In terms of passing places, it is noted the comments of these being for use by those living along Monkley Lane and not for any construction traffic. Monkley Lane is a public highway with no restrictions. The road records indicate that the width of the highway extends into the verges and some entrances. Given the temporary period of the construction phase and the limited number of vehicles proposed during this period along this lightly trafficked highway this is not considered to cause any significant highway harm.
- In terms of the lack of visibility for the full length of Monkley Lane when a vehicle has entered, this is an existing scenario for all users at present. Again

given the temporary nature of these schemes generating traffic during construction phase and this entails a small number of vehicles, it is not considered this will cause any significant highway issues to that which already exists.

- Whilst it is acknowledged that the equestrian use of one of the properties generates movement of both vehicles and horses being walked along Monkley Lane, it is clear that these activities and movements exist and vehicles and horses manage to utilise this public highway already. The applicant has noted the equestrian use of the lane and has proposed a banksman to ensure vehicles are alerted and can allow for the horses to pass at the Monkley Lane site entrance. The addition of the limited construction traffic movements is not considered to be a significant increase to that which already exists during the temporary construction phase.
- It must also be noted that the existing dairy farm typically generates 1 HGV per day which is associated with silage, feed, slurry removal and milk deliveries on Monkley Lane.

Construction works would be temporary, anticipated by the applicant to last for around 30 weeks. Once construction is complete, traffic levels are anticipated to be low - the applicant estimates around 4 cars and LGVs would visit the site each week and 1 HGV trip per annum (to replace items / equipment).

Various consultation comments have suggested the proposed access through Monkley Lane (to proposed zones 14-16) should be taken through the farm to the south (which is in the applicant's control) in order to avoid using Monkley Lane. Notwithstanding that the application is considered as submitted, and proposed access via Monkley Lane is concluded to be acceptable in highway safety terms (as confirmed by the HA), this has been discussed with the agent. The agent has confirmed that such an access would likely be incompatible with the existing and ongoing operations of the farm, and the use of Monkley Lane is concluded to be acceptable. It is also noted that after construction, proposed traffic levels are anticipated to be very low.

Vegetation along Monkley Lane is overgrown, and requires work to maintain highway standards.

Following initial comments from the HA, the applicant has submitted information on proposed tree canopy works on Monkley Lane, which would allow construction traffic to pass. This proposed work has been considered by the HA and confirmed to be acceptable. Some of these trees are planted on the highway, and some are planted within privately owned land.

All works to trees on the highway would be subject to a S171 licence from the HA.

Section 154 of the Highways Act requires vegetation to be managed to allow vehicles to use the highway. In the event that vegetation planted on private land grows to obscure the highway, the HA has the authority to serve notice of the landowner to maintain their vegetation. If such works are not undertaken within the timescales provided then the HA has the right to commission this work and on-charge the relevant landowner.

In this case, the developer has agreed to carry out necessary tree work on private land, subject to the agreement of the relevant landowners. In the event that landowners did not grant the developer permission to carry out works on trees planted on their land (which are necessary for highway safety reasons under section 154 of the Highways Act regardless of whether the proposed development comes forward) then the HA would need to serve notice on the landowners to carry out the necessary works themselves. If the landowner(s) failed to carry out the required works, the HA has confirmed that it would likely allow the developer to carry out these works (rather than commission contractors to carry out these works and pass the cost on to the landowners). It is therefore recommended that landowners allow the developer to carry out these works.

The HA has confirmed that highway rights are in place along Monkley Lane and beyond (including verges). Although in private ownership, these edges can be used for highway purposes. Although some residents have stated they would deny access onto land within their ownership, highway rights would allow it to be used for highway purposes. It is noted that it is an offence to obstruct highway verges with rocks etc.

The accesses are confirmed to be acceptable in relation to highway safety including visibility splays and access for emergency service vehicles, and the HA has not raised an objection on this basis.

A Construction Traffic Management Plan (CTMP) has been submitted which includes various mitigation measures including construction hours; signage; delivery management; muck control; construction routing; and parking. The HA has confirmed this is broadly agreeable, although would require some further details. Therefore a condition is recommended requiring a revised CTMP is submitted and agreed before construction begins. This would ensure distribution to local residents is minimised. Although the Environment Agency has recommended a condition to agree wheel washing measures for construction vehicles, this is recommended to be incorporated as part of the CTMP condition rather than an additional standalone condition.

Following consultation comments from the HA, a plan showing the proposed construction compounds has been submitted. Verbal comments from the HA have confirmed the proposed compound areas and associated plan are acceptable. The condition previously recommended by the HA requiring the submission and agreement of a compound plan is therefore no longer necessary, and the recommended CTMP condition requires compliance with this agreed compound plan.

Parking levels are proposed to be very low for the operation of the solar farm. A condition is recommended which would see parking details agreed before the operation of the solar farm.

Community consultation comments received have stated that traffic levels should be monitored. The controls as recommended are concluded to be appropriate and acceptable within the parameters of planning.

Some neighbours have raised significant concerns in relation to highway safety. Highway safety matters have been carefully considered by the HA as statutory consultee, and concluded to be acceptable for the reasons summarised in this report.

Although raised through the public consultation, the HA has not required the speed limit of Monkley Lane be reduced to 10MPH.

Various conditions are recommended including installation of access gate and surfaced accesses and waiting bay; new accesses to be constructed in accordance with approved details; submission and agreement of a construction traffic management plan; compliance with the site compound and parking plan; and completion of tree canopy work on Monkley Lane.

In conclusion on this matter, the means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014), policy 9 of the RNP (2017) and Part 9 of the National Planning Policy Framework.

Public Right of Way (PROW):

There are two PROW routes within the application site and one byway running south on Monkley Lane. Comments from the PROW Officer have confirmed there are no objections to this proposal subject to conditions for signage during construction.

Plans show the development would not obstruct the PROWs, although the proposed access track off Monkley Lane would require surface authorisation from the SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18, and associated infrastructure may also be required. As the detailed layouts of the panels would be submitted via condition, the applicant is reminded via a recommended advice note that authorisation/agreement is required from Somerset Council PROW team for works on the PROW. This informative has been adapted to include reference to the surface authorisation process.

The PROW Officer has also stated:

'The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along the path FR 13/17 and FR 13/18. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.'

The PROW Officer has since confirmed this statement refers to two occasions where tracks/accesses cross over FR 13/17 and FR 13/18. Permission is required from the landowner as well as the Somerset Council PROW team. Although this is covered by legislation outside the scope of planning, it should be confirmed that the development subject to this planning applications can be implemented. As one crossover is along Monkley Lane which has highway rights on it and the other is within the applicant's control, it seems reasonable these permissions can be secured. For the avoidance of doubt, the applicant has confirmed agreements are in place, and the applicant is agreeable to securing the necessary licence(s).

The PROW Officer has referred to the comments from the HA in relation to the use of Monkley Lane, which is confirmed to be acceptable as summarised above.

The PROW Officer has suggested a condition is included to require signage for the public and construction workers. Rather than a standalone condition, this is recommended to form part of the Construction Traffic Management Plan (CTMP) condition.

The permissive bridleway proposed on the western side of the site (zone 10) is a benefit of the proposed scheme which weighs in the planning balance. A condition is recommended to ensure it is operational through the operational life of the solar farm.

Rode Neighbourhood Plan policy 8's list of 'country lanes' does not include the application site. Policy 8 requires development with 'significant traffic impact' to enhance the network. Notwithstanding the low levels of traffic associated with this development, enhancements are indeed proposed through the operational life of the development.

The LLFA has considered impacts on the PROW and byway within and adjacent to the site. Following the submission of additional information, it has been concluded that the site would continue to operate at greenfield levels, with a drainage betterment proposed as a result of the development proposals.

As the proposed development would not interfere with the PROW and retain PROW routes, the application is concluded to be acceptable, subject to conditions.

Ecology:

The application has been submitted with an ecological assessment and, following consultation comments from the Somerset Ecologist, additional bat and dormice survey work and supporting information has been submitted. A high level LEAMP and Landscape and Ecology Strategy plan have been submitted for consideration, as well as a shadow HRA report.

The Ecological Appraisal, additional surveys and supporting information is now concluded to be acceptable to the Somerset Ecologist, who has confirmed the proposal is acceptable in ecological terms, subject to conditions.

The site falls within the 10km consultation zones for parts of three Special Areas of Conservation (SAC's). The site is within 5km of four Sites of Special Scientific Interest (SSSI's). There are also 12 local nature reserves (LNR's within 2km of the site). The ecological assessment concludes the development would be unlikely to harm these habitats or associated protected species.

The application site includes farmland, trees, hedgerows, hardstanding, ditches, water and a culvert. The survey found that 14 bird species were likely breeding on the site. At least 15 bat species were recorded within 2km of the site.

Bats:

The survey reported bat activity on the site as summarised below:

'4.1 No Confirmed bat roosts are present on-site or adjacent to the Site. The bat activity data showed a peak in noctule activity at dusk in October, at static location L4, and there is the possibility that a transitional roost is located on-site or adjacent. The hedgerow within which the detector was located and the off-site woodland to the south are retained, such that any roost in the area would not be impacted by the proposals. Numerous trees with suitability to support roosting bats are present on-Site. The indicative layout and accompanying Arboricultural Impact Assessment prepared for the Site (reference: THL-R23-53) indicates that all trees of suitability to support roosting bats will be retained within the scheme.'

'4.3 The automated detector and manual transect surveys have identified a bat population of moderate species diversity across the Site, of Local ecological importance. The majority of this activity has been recorded adjacent to the boundary features which includes a network of hedgerows, treelines and ditches, with only very low levels of activity associated with the fields of grazed pasture and temporary grass and clover ley.'

Proposed mitigation measures include:

- *'Retention of all trees with suitability to support roosting bats;*
- *Utilising existing hedgerow gaps and field gateways where feasible for access, to minimise any hedgerow losses; and*
- *Retention and enhancement of the vast majority of the field boundary network of hedgerows, treelines and ditches to maintain habitat connectivity.'*

The final HEP (Habitat Evaluation Procedures) calculation results show mitigation would result in 3.27 ha gain for lesser horseshoe bats and 0.44ha gain for greater horseshoe bats.

Buffers around trees have been agreed in principle, and the recommended Landscape, Arboricultural and Ecological Management Plan (LEAMP) condition includes agreement of detailed hedgerow buffers, as well as management arrangements for sensitive habitat.

Birds:

The site has suitability for various bird species. 44 bird species were recorded during the surveys. 15 bird species were recorded as possibly breeding on-site, six of which are species of nature conservation importance.

The applicant describes impacts on bird thus:

'A5.17 The abundance and diversity of bird species recorded on-site was consistent with the extent and diversity of nesting habitats present. Given the nature of the scheme, there are significant opportunities for the scheme to retain and enhance the majority of habitats suitable for nesting birds and to provide sufficient compensation for the minor loss of habitats such as arable farmland and hedgerow. For this reason, the breeding bird assemblage is considered unlikely to be significantly impacted by the scheme and the assemblage present is judged to be of no greater than Local ecological importance.'

Proposed mitigation includes new planting, including species with foraging benefits.

Records of ground-nesting skylark were found, which may possibly be breeding and foraging on the site. The Somerset Ecologist has agreed with the applicant that a Farmland Bird Management Strategy would be suitable, which would detail mitigation as 3ha of skylark plots. When first suggested this was to be outside the application site, meaning this mitigation would need to be secured by legal agreement. Following further discussions with the applicant, it has been confirmed that this mitigation can come forward within the blue line application site boundary. As such, this can be controlled by condition and a legal agreement is not necessary.

Dormice:

The application submission information concludes the site has moderate suitability for dormice. Surveys found no dormice so they are concluded to be absent from the site.

Otter and Water Vole:

These are also concluded to be absent from the site.

Badgers:

Three setts have been identified on the site – all inactive. Buffer zones are proposed around the setts; and protection measures are proposed during construction.

Other Mammals:

The application documents state:

‘The Site supports a range of suitable foraging and breeding habitats for both brown hare and European hedgehog. Brown hare have been confirmed on-site at target note TN1 (see Plan EDP 6), and there is a reasonable likelihood that hedgehog are present on-site.’

Precautionary clearance measures are proposed, as well as mammal gaps in security fencing.

Great Crested Newts:

The applicant has found no evidence of Great Crested Newts on the site. As a precautionary approach, due to the impact on potential habitat, a financial contribution to Great Crested Newt habitat elsewhere in the district is proposed by the applicant, via Natural England's District Licensing scheme. A condition is recommended accordingly.

Reptiles and Amphibians:

On this, the submitted documents confirm thus:

'Given the primarily small extent of suitable habitat within the Site and the local surroundings, which are dominated by sub-optimal arable farmland, it is considered likely that only low numbers of common reptiles could be supported. These species are therefore not considered to be significant beyond a Site level.'

Proposed mitigation includes hedgerow buffers; site clearance controls and ecologist supervision; precautionary construction methods; and new meadow grassland below the solar arrays and wildflower grassland within the field margins to provide new foraging, commuting and refuge opportunities.

Habitat Regulations Assessment (HRA):

Due to the primary and potential impact on nationally significant habitats sites (three SAC's), this application has been supported by a shadow HRA Appropriate Assessment to further understand any likely significant effects from the proposals. Conclusions are summarised by in the submitted ecological assessment thus:

'4.6 No adverse impacts upon Salisbury Plain SAC are anticipated, given that the proposed development will not alter the distribution or abundance of juniper populations, and the negligible changes in road traffic mean it is highly unlikely that

any additional traffic generated by the proposed development would be significant enough to result in an appreciable effect upon the SAC via any increases in air pollution. Potential impacts on Salisbury Plain SPA are also ruled out given that there will be no direct or indirect impacts upon the breeding and wintering bird populations for which this site is designated.

4.7 In relation to Bath & Bradford on Avon Bats SAC and Mells Valley SAC, potential effects as a result of loss and degradation, or fragmentation through lighting impacts, of functionally linked bat habitat outside of the SAC boundary could occur. As such, detailed Habitat Evaluation Procedure (HEP) calculations have been undertaken to determine the adequacy of habitat retention, enhancement, and creation measures in mitigating for those habitats lost to development, as detailed within the Mendip District Council's Supplementary Planning Document (SPD). This process, and its outcome, are summarised in Section 5.'

The sHRA has been endorsed by the Somerset Ecologist. The sHRA concludes that the proposed development is unlikely to have an adverse effect on the integrity of the Mells Valley SAC alone or in combination, provided the mitigation measures outlined are subject to conditions as recommended. Following further consultation with Natural England, no comments have been received. Consultation comments have been requested a number of times and the statutory timescale for comments has long passed. In these circumstances, it is considered reasonable to progress to a decision on the basis of the ecology team's sHRA endorsement.

Although no lighting is proposed as part of this application, a lighting condition would ensure lighting for bats consideration is undertaken if lighting is proposed in the future.

Biodiversity Net Gain (BNG):

The submitted ecological assessment confirms that some habitat loss forms part of the proposal. However, other habitat is to be retained, protected, enhanced and created. As such, the application states biodiversity net gain (BNG) would be significantly above the

new 10% national policy requirement (noting this application was submitted before this national requirement became mandatory). This is summarised in the table below, taken from the submitted Ecological Appraisal.

Table EDP 4.3: Net Impact on Habitats

	Habitat Units	Hedgerow Units	River Units
Total Net Unit Change	82.67	29.18	3.31
Total Net % Change	+50.57%	+19.25%	+17.15%

The information submitted is sufficient to demonstrate the BNG in planning terms. Although neighbour comments have stated this should be better substantiated, the application meets planning policy requirements in this regard.

Conditions, Informatives and Legal Agreement:

Some of the individual conditions recommended by the Somerset Ecologist can be controlled by a single condition requiring compliance with recommendations set out in the submitted ecological documents, which reduces the number of conditions necessary.

As badgers are statutorily protected, and measures are included in the agreed ecological information, a further condition requiring a further on site badger survey is not necessary.

As hazel dormice have been confirmed absent from the site, a detailed condition on hazel dormice protections is not considered necessary.

Although the Somerset Ecologist has recommended the LEMP is included in a legal agreement, there is no reason why it cannot be included as a condition – it is also enhanced to a LEAMP.

Advice notes are recommended to remind of the developer of the legal protections of badgers and recommended construction protection measures and the tree nesting period.

Consultation comments received have stated that ecological monitoring must be robust. The controls as recommended are concluded to be appropriate and acceptable within the parameters of planning.

Ecology Conclusion:

The solar panels and associated development would result in biodiversity net gain above policy requirements, as well as suitable mitigation. Impacts on habitats and protected species are concluded to be acceptable, subject to the inclusion of conditions and informatives. Following confirmation of the location of the skylark mitigation, a legal agreement is no longer necessary. The proposal is concluded to accord with Local Plan policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Heritage Assets:

There are no listed buildings, conservation areas or scheduled monuments within the site itself.

There are various listed buildings near the site, including:

- Flexham Farm (GII) which is on the southern side of Bradford Road, and would see solar development on either side of it, with landscaping mitigation.
- Frith Farm (GII) immediately north of Bradford Road
- No. 8 Frome Road (GII) which is south west of the proposed solar development

There are various other listed buildings further south on Bradford Road; and the Church of St Lawrence (GI) is located off Frome Road, west of the application site.

The site is also outside but relatively close to Rode Conservation Area.

The Devil's Bed and Bolster long barrow scheduled monument is located outside the application site to the south east.

There are different categories of harm to heritage assets including:

- Substantial harm – such as significant alteration or demolition of the asset – where works should only be permitted in exceptional circumstances (see paras 205-207 of the NPPF). Substantial harm has not been identified as part of this application.
- Less than substantial harm – impacts to the significance of heritage assets should be considered on a scale (low, medium or high) – development should only be permitted where harms are outweighed by public benefits (see para 208 of the NPPF). Less than substantial harm has been identified in this case.
- No harm identified – public benefits do not need to be outweighed by public benefits.

Appeal ref APP/U1105/W/23/3320714 at Land to the south and west of Marsh Green, Marsh Green, East Devon was allowed on 30.10.2023. This identified heritage harm at the lower end of 'less than substantial'. This appeal was allowed.

Appeal ref APP/P0119/W/22/3294810 at Land at Elm Farm, Bristol Road, Iron Acton, Bristol was dismissed on 13.11.2023. In this case, substantial heritage harm was identified due to significant impacts on a GI listed asset. Due to the substantial harm identified, this appeal was dismissed.

Whilst each case is assessed on its own merits, it is noted that the current application is concluded to represent 'less than substantial harm'.

It is noted that comments from Historic England do not represent an objection to the application. Comments highlight concerns in relation to historic assets and call for changes. Comments refer to archaeological heritage assets in particular, but also refer to the impact on the church and the rural landscape. Recommendations refer to

archaeological matters. As outlined below, additional information has since been submitted in relation to the scheduled monument, and the original objection from the county archaeologist has now been removed in favour of a standard condition. It is therefore concluded that matters in relation to archaeology have been addressed.

It is noted that Rode Parish Council and various neighbours have also objected on the basis of harm to heritage assets.

Impact on the Setting of a 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.

The Conservation Officer has not objected to the proposal in relation to impacts on the Church of St Lawrence (GI) and commented thus:

'From walking around the church yard, in mid-winter, from the ground level I do not expect the panels to be visible. They may be visible from the bell tower; however, I do consider this small impact to be acceptable.'

Verbal comments from the Conservation Officer have confirmed that heritage harm on the church would be at the low end of less than sub harm.

The Conservation Officer has verbally clarified that harms to listed buildings are concluded as follows:

- Flexham Farm (GII) – less than substantial, medium. Mitigation insufficient and not outweighed by public benefits.

- Frith Farm (GII) – less than substantial, low to medium. Mitigation insufficient and not outweighed by public benefits.
- No. 8 Frome Road (GII) – less than substantial, low. Mitigation measures and proposal acceptable in relation to public benefits.
- Other listed buildings on Bradford Road – less than substantial, low – due to the proximity to the site this would be the same harm as to the conservation area. This harm would be outweighed by public benefits.

The main concerns relate to the impacts on the significance of Flexham Farm and Frith Farm. As above, through the life of the application revisions have been made including setting the development further off Flexham Farm, additional planting and agreeing to keep inverters further way from Flexham Farm. These alterations further mitigate impacts on Firth Farm, which sits north of Bradford Road. Impacts to the north (rear) of Firth Farm would be unaffected as there is no solar development proposed north of Firth Farm. Views and impacts to the south would be significantly altered through the development of the solar farm. The Conservation Officer has concluded that the balance as set out in para 208 of the NPPF has not passed for these two assets, and the public benefits of the solar farm would not outweigh the harms.

The harms identified by the Conservation Officer are agreed at medium and low to medium for Flexham Farm and Firth Farm respectively. It is noted that assessment of the public benefits, including whether they outweigh conservation harm, is for the decision maker and not for the consultee. This balancing exercise should be informed by advice from the consultee. Considering the substantial benefits associated with the development, including providing renewable energy for an estimated 16,000 homes, it is concluded by planning officers that the public benefits would outweigh the harms in this case. The Planning Committee will need to form a view on this.

Impact on Rode 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.

Verbal comments from the Conservation Officer have confirmed the final proposal is considered to represent a low level of less than substantial harm to the conservation area, and that this harm would be outweighed by public benefits. This conclusion is agreed.

Relevant factors here include the distance from the conservation area and mitigation planting. Having regards to the Rode Conservation Area Character Appraisal (2009), it is concluded the proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Archaeology:

It has been confirmed that there are archaeological features within the site. Additional information has been submitted to the Somerset archaeologist, including results of trial trenching and a proposed mitigation strategy which includes excavation. The Somerset Archaeologist has concluded that this is proportionate to the significance and acceptable to meet the requirements of set out in Chapter 16 of the NPPF. The Somerset Archaeologist has not objected to the scheme, subject to the inclusion of a condition for agreement of programme of works in accordance with a Written Scheme of Investigation (POW). This condition is recommended accordingly, and the proposal is concluded to be acceptable in this regard. As above, this is considered acceptable to address the comments raised through the first consultation by Historic England. It is noted that Historic England did not comment on as part of the second consultation.

Conservation Conclusion:

The Conservation Officer has objected to the proposal. Verbal comments have clarified that this objection primarily relates to impacts on Flexham Farm and Frith Farm – where harms are considered ‘medium’ and ‘low to medium’ less than substantial respectively. The Conservation Officer has confirmed that all other harms are considered at the low end of less than substantial harm and would be outweighed by the public benefits of renewable energy creation.

Historic England has not objected to the proposal, but raised matters for consideration which are considered adequately addressed through the submission of additional information to the satisfaction of the Somerset Archaeologist.

Harms to historic assets are acknowledged, including the cumulative harms and harms to the rural setting of the village. The NPPF makes it clear that when less than substantial harm is identified, justification for harm must be clear and convincing and the harm or loss must be outweighed by public benefits. The proposal for clean, renewable energy, which would complement the Council's aspirations of carbon reduction in a climate emergency, at the scale proposed, is considered a public benefit that outweighs the less than substantial harm at the low/medium to low end of the spectrum by way of possible impact to significance of listed buildings through setting.

It is concluded that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal accords with DP3 of the adopted Local Plan Part 1 (2014), policy 6 of the Rode Neighbourhood Plan (2017) and part 16 of the National Planning Policy Framework.

Trees and Hedgerows:

The site includes trees and hedgerows on field borders. The application is accompanied by an Arboricultural Report prepared by Tree Heritage which includes a Tree Constraints Plan and Arboricultural Impact Assessment. Further, a Landscape, Ecology and Arboricultural Management Framework has been prepared by EDP.

The Arboricultural Report confirms that the survey included a total of 166 trees, 30 groups, 1 woodland, and 20 hedgerows. It concludes tree and hedgerow loss as summarised in its conclusion:

*'10.1 A total of 4 trees will require removal to allow for improved vehicle access.
Trees T17, T33, T34 and T135.'*

10.2 A total of 9 hedges will require sections removing for access roads. Hedges H1, H13, H25, H26, H35, H47, H48, H51, and H52.

10.3 A total of 3 hedge will require sections removing for the cable route. Hedges H2, H10, and H11.

10.4 Special Measures will be required to allow access roads through tree RPAs for 3 trees. Trees T82, and one tree from each group G27, and G28.'

Temporary gaps are proposed in hedgerow during construction, which are proposed to be filled post construction.

The submitted Tree Constraints Plan and Arboricultural Impact Assessment (AIA) drawings show existing trees and hedgerows, including the trees to be removed. The Arb Report recommends tree protection fencing, although this is not shown on the AIA. It also relies on security fencing, which would need to be in place before construction begins to protect these trees and hedgerows, and does not protect the root protection areas of all relevant trees and hedgerows. Conditions are therefore recommended to require agreement of detailed tree protection measures prior to construction. It is noted that a 10m buffer is required around many hedgerows for ecological purposes, and this is covered by another condition as it covers different trees and hedgerows.

Although a broad Landscape, Ecological and Arboricultural Management Plan (LEAMP) has been submitted as part of the application, the submission and agreement of a detailed LEAMP is recommended by condition. This includes sensitive hedgerow management, watercourse management, new planting management, etc.

The application has also been supported by a Landscape and Ecology Strategy plan. This high level plan shows additional planting proposed, including thickening existing

hedgerows, tree planting at key positions across the site and reinstatement of historic hedgerows in zone 3. A condition is recommended to agree the detailed planting.

As outlined in the highways section on this report, following comments from the highway authority (HA), minor works are proposed on trees along Monkley Lane – raising the canopies to allow the higher articulated vehicles to utilise it. Updated proposed tree works have been submitted and agreed by the HA. None of these trees are formally protected, and works within the highway and for highway safety reasons are concluded to be acceptable. Works to trees and hedges planted on private land but overhanging the highway, would be subject to a s171 licence from the highway authority, and the applicant is reminded of this requirement by a recommended informative. A condition is recommended to ensure these tree works are undertaken before construction of this part of the site. Any tree works must respect the bird nesting season requirements, as set out in a recommended informative.

As such, this application is considered acceptable subject to a suite of conditions recommended to agree the detailed layout; agree detailed Arboricultural Method Statement, Tree Protection Plan and tree protection measures; site layout; and detailed planting plan, including species.

On balance the tree and hedgerow losses are acceptable in the street scene, in the context of the benefits of the proposed development. As summarised elsewhere in this report, the changes to the hedgerow are considered acceptable in ecological terms, and biodiversity net gain is recommended to be secured as part of the development. Further planting is proposed within the site, including adjacent to the PROW.

The proposed development will have an acceptable impact on a trees and hedgerows which has significant visual or amenity value. The proposal accords with DP1 and DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Drainage:

The site is all within flood zone 1 meaning the principle of development is acceptable in drainage terms but the applicant must demonstrate suitable drainage management. The buildings and areas of hardstanding in particular are considered in relation to surface water management.

The application has been supported by a Flood Risk Assessment (FRA) which has been amended during the life of the application.

Following lengthy discussions with the applicant and the Lead Local Flood Authority (LLFA) and the submission of additional information, the LLFA has confirmed there are no objections to the proposal. The LLFA has confirmed surface water can be adequately managed within the site without significant impact on neighbouring sites.

Permeable gravel is proposed for the compounds and access tracks. The ground near the battery storage facility is impermeable therefore gravel bases are proposed to store runoff and discharge to the watercourse at slower rates than currently. The LLFA engineer has confirmed this represents a betterment to the watercourse and nearby byway.

The Environment Agency (EA) has commented on the application as part of the first round of consultation, offering no objection and recommending conditions and an informative. One recommended condition relates to the control of water used for the control, containment and removal of water used for extinguishing in the event of a catastrophic fire. This is duly recommended. The other condition relates to wheel washing facilities for construction traffic. This is recommended to be incorporated into the CTMP condition. Finally, the EA has recommended an informative reminding the applicant of natural flood management and ditch crossing consents. This is recommended accordingly. Although the EA requested additional time to consider the application as part of the second round of consultation, the agreed timescale has passed and no further comments have been received. It is not considered reasonable to delay determination of the application for these comments, particularly considering comments have been received as part of the first round of consultation. If any further comments are received prior to the decision being made, these will be communicated to the planning committee.

Conditions are recommended to ensure detailed drainage management measures are agreed, including the location of features including swales and infiltration.

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

Fire Safety and Battery Energy Storage Site (BASS):

The application includes a battery storage facility, which is required to store the electricity generated at the site. The NPPG on 'Renewable and low carbon energy' outlines these facilities thus:

'Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.'

In terms of planning applications, the NPPG includes the following requirements:

'Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.'

Applicants are also encouraged to consider [guidance produced by the National Fire Chiefs Council](#) when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.'

Local Planning Authorities (LPA's) are encouraged to consult with their local fire and rescue service prior to determining applications for the following reason:

'This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.'

The National Fire Chiefs Council (NFCC) guidance titled 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (2022) is also referenced in the NPPG. This confirms that consultation with the local fire and rescue service is encouraged, but this is not a statutory requirement. This also confirms that:

'The NFCC's expectation is that a comprehensive risk management process must be undertaken by operators to identify hazards and risks specific to the facility and develop, implement, maintain and review risk controls. From this process a robust Emergency Response Plan should be developed.'

The guidance goes on to state that:

'The guidance does not seek to provide a full specification or opinion on the entirety of a BESS system design. Instead, the aim is to limit the content to such matters that directly relate to facilitating a safe and effective response, by the fire and rescue service, to a fire or vapour cloud release involving a BESS installation.'

This includes factors such as facilities for the fire and rescue service, and design factors that contribute to reducing the escalation in the severity of an incident.'

The application has been supported by a draft Battery Safety Plan. It is customary for plans to be submitted in draft form, with a detailed version to be agreed via condition in consultation with the local fire and rescue service. Devon and Somerset Fire and Rescue Service has reviewed the draft plan and made some recommendations to inform the applicant's detailed plan preparation at condition stage. It is noted that many elements of the detailed safety precautions are covered by building regulations. Devon and Somerset Fire and Rescue Service has not objected to the application, and there is no reason to conclude the development could not be delivered with acceptable fire and emergency plans in place.

No objections have been received on the basis of road suitability from either the highway authority (HA) or the local fire and rescue service. The HA has confirmed Monkley Lane is concluded to be acceptable in relation to large vehicles this is concluded to include emergency service vehicles.

It is therefore concluded that the application can meet the requirements set out in the NPPG on 'Renewable and low carbon energy' and NFCC guidance 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' (2022). No objections have been received from the HA or the local fire and rescue service. It is noted that development would also be subject to building control, which sits outside the scope of planning. A condition is recommended which would require the submission and agreement of a detailed safety plan, which would be subject to further consultation with the local fire and rescue service.

Pollution:

No statutory consultee objections have been received on pollution grounds. The recommended condition for detailed surface water drainage condition includes pollution controls; and a number of conditions and an informative are included as recommended by

the Environment Agency on emergency fire water controls, pollution controls and a Construction Environmental Management Plan (CEMP).

Sustainability and Renewable Energy:

The application makes a significant contribution to renewable energy provision, and this weighs heavily in the planning balance.

Some objections have commented that the panels cannot be recycled; they are not carbon neutral; the carbon footprint of the overall development is unknown; and the development would lead to an increased carbon footprint through impacts on food production and flying in food. It is concluded the proposed development would make a significant betterment than the existing site.

Environmental Impact Assessment:

This development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (category 3a 'Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)' of Schedule 2 and exceeds the threshold criteria with regards to the area of the development and has therefore been screened. It has been determined that the proposal would not result in significant environmental effects. As such an Environmental Impact Assessment was not required, although the environmental effects have been assessed and are set out in this report.

Equalities Act:

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

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

Community Payments:

The applicant has confirmed that a payment is proposed to the parish council, as summarised below:

'It is Low Carbon's policy that the communities hosting their solar farms receive a direct, tangible benefit and as such, a formal Community Benefit has been offered. These offers have been made outside of the planning process and were not offered to make the development acceptable in planning terms. The acceptance of this offer does not prevent Parish Councils or any other person, from raising objections to the application and it imposes no obligations on the Council, or any other person, to support the application.'

This project will offer a Community Benefit Fund equivalent to £2,800 per MWp as a one-off payment, available to the local communities hosting the project (there is also an option to take the equivalent monies as an annual payment). Low Carbon generally signs a separate legal agreement with the relevant Parish Council/s which falls outside of the planning process. The deeds will simply set out some broad terms to provide a framework for how the Fund can be administered locally.'

Some neighbours have commented they believe this would be insufficient.

It is important to note that this payment does not meet the CIL tests for planning obligations, and this sits outside the planning process and has no weight in the planning balance.

Education Benefits:

The application includes a statement on intentions to engage with local schools and be involved in renewable energy education. This is summarised by the applicant in the 'Planning Benefits Letter' (received 14.03.2024 thus:

'Solar farms can provide an excellent resource for local schools to learn about renewable energy. Should the solar project achieve consent, Low Carbon will look to provide educational benefits in connection with the Proposed Development to local schools. Low Carbon is in the process of communicating with local schools and other local groups with the aim to create partnerships to offer regular visits to the solar farm and renewables workshop for local children. The sessions would be designed to help children familiarise themselves with the technology and understand the impacts of climate change. Through this programme we aim to inspire a future generation of children who are passionate about renewables and careers in engineering.'

As there is no formal commitment or control mechanism this cannot be weighed in the planning balance.

Tourism Impacts:

Some neighbour comments have outlined concerns the proposed development would impact on the tourist economy, including local pubs and hot air ballon businesses. It is acknowledged that that the local PROW network may influence tourism, but it is not unreasonable to walk past a solar farm as part of a walk through the countryside. Although hot air balloons would not be able to land on solar panels, there are many other suitable landing locations for this infrequent occurrence. Due to the nature of the development it is considered unlikely the proposed solar farm would adversely affect the local tourism economy.

Impact on Horses and Horse Riders:

It is noted that Monkley Lane and the byway to the south of Monkley Lane are used by horses. Objections have been received outlining concerns in relation to traffic, construction traffic and noise. Both the HA and the noise specialist in the Environmental Protection team have confirmed the proposed development would be acceptable – and the HA has referred to the proposed banksman on Monkley Lane during construction. Therefore impacts are concluded to be acceptable.

Non-Planning Matters:

Consultation comments have raised concerns in relation to private property prices. This is not a planner matter, so cannot be weighed in the planning balance.

Other Matters Raised Through Consultation:

Some consultation comments have questioned the motives of the developer. Regardless, the local planning authority needs to determine the application.

Some neighbour comments have disagreed with the use of 'farm' in the term 'solar farm'. Notwithstanding the terminology used, the development proposal is clear.

Neighbour comments have raised previous enforcement history at one of the sites - unauthorised hedgerow removal. This in itself is not a reason to withhold planning permission.

The recommended conditions on decommissioning the solar development are acceptable in planning terms. There is no justification in planning terms for further details on decommissioning agreements between landowners and developers, or a basis for any bond with the council.

The proposed development is considered acceptable in relation to its impact on passing aircraft and air balloons. This has been adequately addressed in the submitted Glint and Glare Study.

Conclusion and Planning Balance:

The council has declared a climate emergency. National and local policy supports renewable energy development, if the impacts are acceptable. Following lengthy discussions with the applicant including at pre application stage, various changes have been made, and the proposal is now considered acceptable in landscape and heritage terms. Although the development would be seen and would change the character in some locations, due to the site context, proposed mitigation planting and hedgerow works this harm is considered acceptable when weighed against the benefits of the proposal.

Although 40 years is a significant period of time, the land is proposed to be restored to agricultural land at the end of this.

Identified harms include landscape harm and harm to the character and appearance of the site. Other harms include conservation harms. It is noted that the solar farm is proposed for 40 years, after which it would be decommissioned and returned to agricultural use. As such, the application should be considered in the context that the harms would be temporary and reversible (be it for a 40 year timescale).

Benefits include generation of renewable energy which the applicant estimates would equate to over 16,000 households annually. Other benefits include biodiversity net gain, a permissive bridleway through the operational lifetime of the application and construction and operation jobs. Considering all the harms and benefits in the overall planning balance, the benefits are concluded to outweigh the harms and the application is recommended for approval in this case.

Benefits and harms are summarised in the tables below – with table 1 outlining the terms associated with the hierarchy of benefits and harms; and table 2 outlining the harms and benefits associated with this development proposal:

Table 1: Harms and Benefits Hierarchy

Substantial benefit/harm
Very significant benefit/harm
Significant benefit/harm
Moderate benefit/harm
Limited benefit/harm
Very limited benefit/harm
No/neutral benefit/harm

Table 2: Benefits and harms of this proposal

Benefit/Harm	Benefits	Harms	Neutral
Renewable energy generation	Substantial benefit		
Biodiversity net gain	Moderate benefit		
Permissive bridleway	Moderate benefit		
Construction and operation jobs	Limited benefit		
Landscape harm		Significant harm	
Heritage harm		Significant harm	
Loss of agricultural land		Moderate harm	
Impact on local tourism			Neutral

All other relevant planning matters have been considered during the life of the application including trees, heritage, drainage, design, amenity, highways, public rights of way, ecology and biodiversity net gain. Subject to the inclusion of a suite of planning conditions the application is recommended for APPROVAL.

Recommendation

Approval

Conditions

1. Plans List (Compliance)

This decision relates to the following:

- o LCS053-SP-01 - LOCATION PLAN - received 10.11.2023
- o LCS053-SP-01_REV09 - LOCATION PLAN (WITH BLUE LINE) - received 17.04.2024
- o DZ-01 - ZONE PLAN - received 07.02.2024
- o LCS053-CC-01_REV01 - COMPOUND PLAN - received 29.02.2024
- o EDP7927_D037G - LANDSCAPE AND ECOLOGY STRATEGY - received 29.02.2024
- o 410558-MMD-XX-BA22-DR-C-0002 P2 - Site Access 2 Visibility Splays & Vehicle Tracking Sheet 1 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024
- o 410558-MMD-XX-BA22-DR-C-0002 P2 - Site Access 2 Visibility Splays & Vehicle Tracking Sheet 2 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024
- o 410558-MMD-XX-BA22-DR-C-0004 P1 - A361 / Monkley Lane Visibility Splays & Vehicle Tracking Sheet 1 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024
- o 410558-MMD-XX-BA22-DR-C-0004 P1 - A361 / Monkley Lane Visibility Splays & Vehicle Tracking Sheet 2 of 2 - submitted as part of RESPONSE TO HIGHWAYS COMMENTS - received 30.01.2024
- o 61147SAITDWIN302A - ACCESS 2 - PASSING PLACES AND GATES FIGURE_P2 -

received 07.03.2024

- o SD-06.2 REV 02 - ACCESS TRACK CROSS SECTION - received 10.11.2023
- o SD-09.1 REV 01 - DNO TRACK CROSS SECTION STANDARD DETAIL - 10.11.2023
- o SD-11 REV 01 - 40FT BATTERY CONTAINER (HVAC ON GROUND) - received 10.11.2023
- o SD-26 REV 01 - LILO SUBSTATION COMPOUND PLAN - received 10.11.2023
- o SD-27 REV 01 - LILO SUBSTATION COMPOUND ELEVATIONS - received 10.11.2023
- o SD-32 REV 04 - GATEWAY PLAN STANDARD DETAIL - received 10.11.2023
- o SD-33 REV 02 - 20FT SPARE PARTS CONTAINER - received 10.11.2023
- o SD-34 REV 02 - TRANSFORMER STATION FRONT REAR AND TOP VIEW - received 10.11.2023
- o SD-35 REV 02 - TRANSFORMER STATION SIDE VIEWS - received 10.11.2023
- o SD-35.1 REV 01 - INVERTER STATION SIDE VIEWS - received 10.11.2023
- o SD-39.4 REV 01 - SOLAR PANEL ELEVATION MAX HEIGHT 3M - received 10.11.2023
- o SD-44 REV 01 - CUSTOMER SUBSTATION ELEVATIONS & DIMENSIONS PLAN - received 10.11.2023
- o SD-47 REV 01 - PANEL ARRANGEMENT 4 LANDSCAPE 29.5 DEGREE TILT CONCRETE SHOE - received 10.11.2023

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

2. **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 permission

3. **Time Limit (Temporary) - Solar (Compliance)**

The permission hereby granted shall expire no later than 40 years from the date when electrical power is first exported from the solar panels to the electricity grid network, excluding electricity exported during initial testing and commissioning (hereafter referred to as the 'First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason: Planning permission has been granted on the basis of the solar panels being operated for a temporary period only. Permission for a greater period of time would require re-assessment of its merits in relation to visual impact.

4. **Removal of Works (Bespoke Trigger)**

Not later than 12 months before the expiry of this permission, or, if before then, within 6 months of the point where the Solar Farm permanently ceases to produce electricity, a decommissioning and site restoration scheme, including a programme of implementation, shall be submitted to the Local Planning Authority for written approval.

The scheme shall make provision for, as a minimum, the removal of the solar panels and the associated above ground equipment and foundations to a depth of at least one metre below finished ground level. The approved scheme shall thereafter be fully implemented in accordance with the approved details.

Reason: Planning permission has been granted on the basis of the solar panels being operated for the production of renewable energy, its removal is required when production ceases.

5. **Detailed Layout (Bespoke Trigger)**

No solar panels, accesses, tracks, inverters, batteries, substation or switch rooms shall be constructed or installed unless in accordance with a detailed layout plan that has first been submitted to and approved in writing by the Local Planning Authority. The solar panels, accesses, tracks, inverters, batteries, substation or switch rooms hereby approved shall thereafter be constructed in accordance with

the approved details. The detailed plan shall be in broad accordance with plan ref LCS053-PLE-01_REV14[47] 'Indicative Layout Plan External', plan ref EDP7927_D037G 'LANDSCAPE AND ECOLOGY STRATEGY' received 29.02.2024 and EDP7927_D030C Manual Bat Transect Survey submitted as part of EDP7927_R011-C UPDATED TECHNICAL NOTE POST SUBMISSION ECOLOGY RESPONSE received on 12.03.2024. The detailed layout must not include any inverters in the northern half of zone 5.

Reason: To ensure the provision of an appropriate layout to the development in the interests of the appearance of the development and the surrounding area, to safeguard trees, to safeguard the historical interest and preserve the character and appearance of listed buildings and to prevent ecological harm and to provide biodiversity gain in accordance with policies DP1, DP3, DP4, DP5 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and the NPPF.

6. **Solar Panel Colour (Compliance)**

Notwithstanding any information submitted with the application, all solar panels shall be finished in black external materials.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

7. **Inverter, Battery, Substation and Switch Room Buildings - Materials (Bespoke Trigger)**

No external facing materials in respect of the walls and roofs of the inverter, battery, substation or switch room buildings hereby approved shall be constructed or installed unless in accordance with a schedule of materials and finishes to be used in the construction of the external surfaces that has first been submitted to and approved in writing by the Local Planning Authority. The buildings hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip

District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

8. **Removal of Solar Farm (Compliance)**

Within 6 months of the point where the Solar Farm permanently ceases to produce electricity, or the expiration of this permission, whichever is the sooner, the solar panels together with any supporting apparatus, mountings, cabling, foundations, inverter stations, batteries, substation, switch room, fencing, CCTV cameras and other associated equipment, buildings and access tracks shall be removed from the land, and the land restored to agricultural use or to a condition to be agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Hard Boundary Treatments (Pre-Occupation)**

Prior to the development being operational details of design and materials of all forms of hard boundary treatments (gates and fencing) shall have been submitted to and approved in writing by the Local Planning Authority. Fencing shall include mammal gaps at 250m intervals. The development shall thereafter be undertaken in accordance with the approved details.

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

in accordance with Policy DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Permissive Bridleway (Pre-Occupation)**

The development hereby approved will not be brought into use until the permissive bridleway shown on drawing 'FINAL SITE LAYOUT PLAN' (ref: LCS053-PLE-01_REV14[47], received 28.02.2024) has been fully constructed and opened for public use.

Reason: To enhance local connectivity in accordance with policies DP1, DP7 and DP9 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

11. **Accesses and Gates (Bespoke Trigger)**

Any existing field access gates shall be set back at least 6m from the adjoining carriageway edge, be hung inwards and include properly consolidated and surfaced (not loose stone or gravel) over the first 6 metres of access. Once constructed, the access(es) and gate(s) shall be retained and maintained as per the approved details for the life of the permission.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gates erected or installed at the vehicular access hereby approved shall be permanently hung to open away from the public highway and set back a minimum of 6m from the adjoining carriageway edge.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Access 2 (Compliance)**

Access 2 shall be constructed, including visibility splays, in accordance with details shown drawings 410558-MMD-XX-BA22-DR-C-0002 P2 'Site Access 2 Visibility Splays & Vehicle Tracking' Sheets 1 and 2 submitted as part of 'RESPONSE TO HIGHWAYS COMMENTS' (received 30.01.2024). Once constructed, the access shall be retained and maintained as per the approved details for the life of the permission.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Access 3 (Compliance)**

Access 3 shall be constructed, including visibility splays, in accordance with details shown on 410558-MMD-XX-BA22-DR-C-0004 P1 'A361 / Monkley Lane Visibility Splays & Vehicle Tracking' Sheets 1 and 2 submitted as part of 'RESPONSE TO HIGHWAYS COMMENTS' (received 30.01.2024). Once constructed, the access shall be retained and maintained as per the approved details for the life of the permission.

Reason: To ensure that vehicles do not cause an obstruction in the interests of highway safety in accordance with DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Parking (Pre-Occupation)**

The development hereby approved shall not be brought into use until parking spaces have been provided on-site in accordance with details first submitted to and agreed in writing by the local planning authority. The areas allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided 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. **Construction Environmental and Traffic Management Plan (Pre-Commencement)**

No development shall take place, including any demolition works, until a revised Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

- o 24 hour emergency contact number;
- o Delivery and construction working hours;
- o Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring

properties during construction);

- o Routes for construction traffic;

- o Locations for loading/unloading and storage of plant, waste and construction materials - in accordance with LCS053-CC-01_REV01 'COMPOUND PLAN' received 29.02.2024;

- o Methods of preventing mud being carried onto the highway;

- o Measures to control the emission of dust and dirt during construction;

- o Measures to protect vulnerable road users (cyclists and pedestrians);

- o Any necessary temporary traffic management measures;

- o Arrangements for turning vehicles;

- o Arrangements to receive abnormal loads or unusually large vehicles;

- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

- o Wheel washing facilities;

- o Signage scheme for the public and construction workers regarding use of the public rights of way/byways during construction.

- o the use of plant and machinery and safeguarding measures to deal with pollution risks

- o wheel washing and vehicle wash-down and disposal of resultant dirty water to deal with pollution risks

- o oils/chemicals and materials to deal with pollution risks

- o the use and routing of heavy plant and vehicles to deal with pollution risks

- o the location and form of work and storage areas and compounds to deal with pollution risks

- o the control and removal of spoil and wastes to deal with pollution risks

Reason: To prevent pollution of the water environment and tTo ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1:

Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

16. **Tree Works Associated with Access 3 (Bespoke Trigger)**

Prior to the commencement of any development in zones 14, 15 or 16 as shown on plan DZ-01 'ZONE PLAN' (received 07.02.2024), tree canopy work shall be carried out in accordance with the details submitted in the Tree Survey Schedule at appendix A of the Highways Response ref PLNE/2023/027367 (received 30.01.2024). Tree canopy works shall be undertaken to ensure a maximum height of 5m above carriageway level or the minimum height required for the reasonably associated vehicles to pass.

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

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

No development shall be commenced until details of the 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 and the Flood and Water Management Act (2010) and include a Construction Environmental Management Plan for the construction phase. The development shall include measures to prevent pollution. The development shall control and attenuate surface water and discharge at greenfield rates. Once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality, to prevent flooding and to avoid pollution of the environment in accordance with DP7, 8 and 23 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 Responsibility and Maintenance (Pre-Commencement)**

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

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the NPPF. This is a condition precedent because it is necessary to understand the management and maintenance arrangements prior to any initial construction works which may prejudice the surface water drainage strategy.

19. **Overland Flow and Surface Water (Bespoke Trigger)**

Prior to the commencement of any development in zones 14, 15 or 16 as shown on plan DZ-01 'ZONE PLAN' (received 07.02.2024), a scheme to manage overland flow and surface water shall be submitted to and approved by the Local Planning Authority. The scheme to manage overland flow and surface water shall demonstrate that no surface water shall be discharged onto the southeastern byway. This shall include details on watercourses under riparian ownership of the site and any necessary maintenance/remediation/improvement works. The approved scheme works shall be completed and maintained in accordance with the details agreed.

Reason: To ensure that surface water and exceedance is managed in accordance with the NPPF, and to prevent surface water from being discharge onto the southeastern byway. In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with DP7, 8 and 23 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.

20. Battery Safety Management Plan (Bespoke Trigger)

No development of the Battery Energy Storage System shall commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the local planning authority in consultation with the local fire and rescue service.

The submitted BSMP shall include:

- o Details of a continuously operating battery management system (BMS) and observation arrangements.
- o Details of a sensitive fire and gas detection system and further fire, heat and gas detectors.
- o Details of an automatically operated fire suppression system.
- o Details of the battery container design and separation distances including access arrangements for vehicles.

The development shall be operated in accordance with the approved scheme for the lifetime of the development.

Reason: To ensure safe operation of the battery facility in accordance with policy DP8 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) and NPPG Renewable and Low Carbon Energy (2023)

21. Battery Storage Surface Water Drainage (Bespoke Trigger)

No development of the Battery Energy Storage System shall commence until a final scheme to dispose of surface water for the battery storage area has been submitted to and approved in writing by the local planning authority. This should include impermeable areas surrounding the battery units (as shown indrawing 60-102, version 02 in the Flood Risk Assessment (FRA)), a directed flow hydrobrake chamber restricting run off of contaminated firewater, and a contaminated effluent storage area also with impermeable areas surround it (as shown indrawing 60-102, version 02 in the FRA). The final drainage designs must demonstrate that in the

event of a battery fire, all firefighting effluent can be retained on site with no discharge to surface or ground waterbodies. The scheme shall be implemented as approved for the lifetime of the development.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

22. **Emergency Pollution Control Method Statement (Bespoke Trigger)**

No development of the Battery Energy Storage System shall commence until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

- o The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system if needed.

- o How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment when normal operation resumes.

The scheme shall be implemented as approved in the event of a fire incident.

Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

23. **Archaeology - Programme of Works in Accordance with a Written Scheme of Investigation (Pre-Commencement)**

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site

and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

24. Replacement Ecological Habitat (Pre-Commencement)

Prior commencement of development, a minimum habitat enhancement area of 11.28ha accessible to greater horseshoe bats shall be provided within the application site in accordance with a layout, planting schedule and timetable for implementation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected and priority species in accordance with policy DP5 of the Mendip Local Plan, and to provide net gain in accordance with paragraph 174(d) of the National Planning Policy Framework. This is a pre commencement condition because the ecological mitigation need to be agreed and implemented before construction begins to avoid ecological harm and ensure biodiversity net gain.

25. 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: To avoid harm to bats and wildlife in accordance with policies DP5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

26. **CEMP: Biodiversity (Pre-Commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan. This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

27. **Landscape, Ecological and Arboricultural Management Plan (LEAMP) (Pre-Commencement)**

A Landscape, Ecological and Arboricultural Management Plan (LEAMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEAMP shall include the following:

- a) Detailed demonstration of how the objectives of the 'Landscape, Ecology and Arboricultural Management Framework' prepared by EDP (received 10.11.2023) will be delivered.
- b) Description and evaluation of features to be managed.
- c) A final design and layout plan which demarks (by way of clear measurements) all buffer zones between sensitive habitats and any built development and shows that the existing field margins have been extended to 10m adjacent to hedgerows H10, H17, H18, H19, H41, H46, H50 and H52. The remaining field margins will be between 6-8m width total buffer zones between the boundary features and the development footprint. All retained and proposed hedgerows will be maintained at a minimum 3m height and 3m width to provide optimal corridors for bats. All woodland habitats will be protected with a 10m minimum no build buffer on all extents of the woodland. All water courses will be buffered by a 10m 'no build' buffer either side. The final design will also show where 'hop-over' points will be installed with native tree planting where small sections of hedgerow or treeline are to be removed for access purposes.
- d) Ecological trends and constraints on site that might influence management.
- e) Aims and objectives of management.
- f) Appropriate management options for achieving aims and objectives, including the sensitive habitat and ecological hedgerow buffers.
- g) Prescriptions for management actions.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out

(where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the integrity of a European site and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

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

The development hereby approved will not be brought into use until the recommendations of the 'Ecological Appraisal' prepared by EDP (received 10.11.2023), 'Bat and Dormouse Addendum Report' prepared by EDP (received 12.12.2023) and updated 'Technical Note: Post-submission Response Regarding Ecological Matters' prepared by EDP (ref EDP7927_R011-C, received 12.03.2024) have been implemented.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

29. **Biodiversity Enhancements (Pre-Occupation)**

The development hereby approved will not be brought into use until the following biodiversity enhancements have been delivered in suitable locations across the site:

- a) Two barn boxes - erected on a suitable tree(s)
- b) Twelve Kent bat boxes (or similar) - on to a mature tree on site, facing south or west, at a height above 3m.
- c) A minimum of twelve Vivara Pro Woodstone Nest Boxes (32mm hole version) (or similar) - mounted between 1.5m and 3m high on the northerly facing aspect of

trees.

d) A minimum of twelve Vivara Pro Barcelona Woodstone Bird Box (open front design) (or similar) - mounted between 1.5m and 3m high on the northerly facing aspect of trees.

e) A minimum of twelve log piles for hibernating common reptiles/ amphibians - to be created within the hedgerow boundaries.

f) A minimum of twelve dormouse boxes - to be installed within the woodland and retained hedgerows on site

All biodiversity enhancement measures shall be retained and maintained throughout the life of the planning permission.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

30. Great Crested Newt District Level Licence (Pre-Commencement)

No development shall commence until a Great Crested Newt District Level Licence issued by Natural England (pursuant of regulation 55 of the Habitats Regulations 2019) and the respective District Level Licence payment receipt have been submitted to and approved in writing by the Local Planning:

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

This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

31. Farmland Bird Management Strategy (Pre-Commencement)

No development shall commence until a Farmland Bird Management Strategy (FBMS) has been submitted to and agreed in writing by the Local Planning Authority prior. The FBMS shall include:

- a. The location of 3ha of skylark plots, which must be within the application site (red line and/or blue line) and on land under the applicant's control.
- b. Confirmation the skylark plots will be located within an arable field of winter or spring cereal crops with an open aspect; be located a minimum of 10m from boundary features including woodland, hedgerows, and treelines, in addition to overhead lines; and established at a minimum density of two plots per hectare.
- c. A management plan, including monitoring and remedial actions in the event of skylark population decline.

Once formally agreed, the FBMS will be fully adhered to throughout the life of the permission.

Reason: To avoid harm to skylark and provide sufficient mitigation for the development in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

32. **Soft Landscaping (Pre-Occupation)**

The development shall not be brought into use until a soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees, hedgerows and other planting to be retained; finished ground levels; a planting specification for new planting to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. The soft landscaping scheme will include confirmation that all species used in the planting proposals shall be locally native species of local provenance, including planting of fruiting trees, field maple, ash, hornbeam, dogwood, spindle and beech.

All planting works shall be carried out in accordance with the approved details. The works shall be carried out during the next available planting season following completion. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first

submitted to and approved in writing by the Local Planning Authority.

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

33. **Tree Protection Plan (Pre-Commencement)**

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

No development activity shall commence until the protective measures as stated in the approved annotated tree protection plan are implemented. The approved tree protection measures shall be in place for the duration of the construction work.

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

Informatives

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

2. **Condition Categories**

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

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

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

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

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

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

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

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

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

4. 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.

5. **Legal Protection Afforded to Badgers**

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

6. **Public Right of Way**

The proposed access track will require surface authorisation from SC Rights of Way Group where it crosses over path FR 13/17 and FR 13/18. The appropriate form should be emailed to: clare.haskins@somerset.gov.uk

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- o A PROW being made less convenient for continued public use.
- o New furniture being needed along a PROW.
- o Installing any apparatus within or across the PROW.
- o Changes to the surface of a PROW being needed.
- o Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- o make a PROW less convenient for continued public use; or
- o create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

7. **LLFA Consent Requirements**

Somerset Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works.

8. **Highway Drainage**

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.

9. **Minor Works on the Highway**

Under Section 171 of the Highways Act 198, a licence is required to undertake minor works on the highway, including works to trees on the highway.

10. **Environment Agency Notes to Applicant**

Natural Flood Management:

The construction of hard standings may change runoff rates. Given that the development is within the higher part of the catchment, you should consider utilising Natural Flood Management measures in the onsite watercourses, such as large woody debris to help delay peak flows.

Ditch crossings:

Where ditch crossings are required, they should be clear spanning to avoid disturbing the bankside habitat. Erection of flow control structures or any culverting

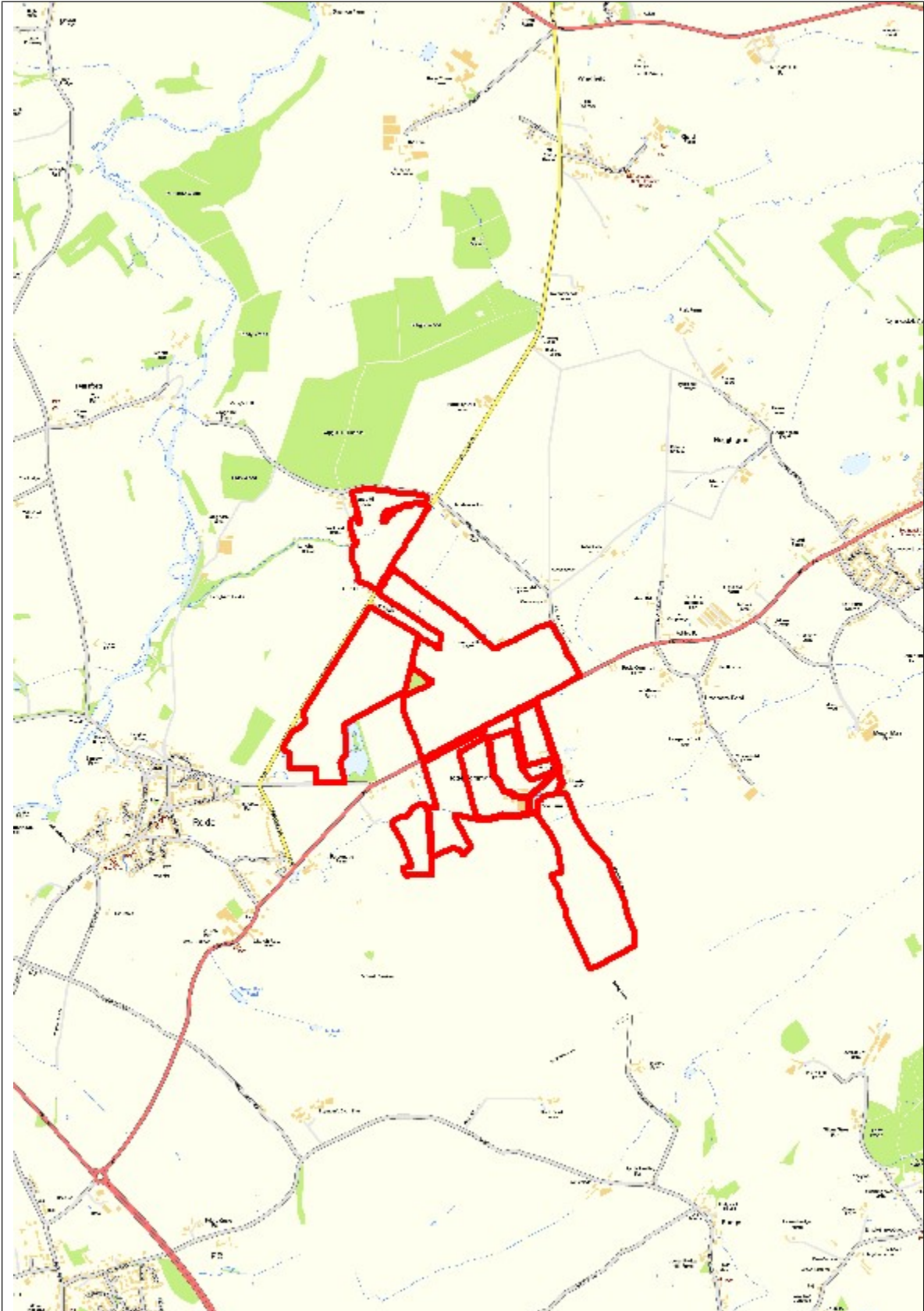
of an ordinary watercourse requires consent from the Lead Local Flood Authority and we recommend you consult them regarding this application.

Surface Water Drainage:

The Environment Agency recommends that battery energy storage sites have drainage systems which can be completely sealed in the event of a fire (i.e. there is no infiltration to ground), to adequately contain all contaminated firewater within the site to ensure there is no discharge of polluted water to ground or surface water bodies. The general principle of this has been set out by the applicant across several drainage proposals, but the Environment Agency recommend the current proposal is amended, where possible, to include an impermeable layer underneath the entire battery compound area, or across as much of the battery compound as possible surrounding the units, to minimize the risk of contaminated water entering the permeable gravel areas. The drainage scheme should demonstrate there is sufficient capacity to contain the expected volume of firefighting water in addition to any surface water within the system.

Fire Safeguards:

Sealed drainage limits the amount of potential contamination (and subsequent remediation required) of the soil and gravel by firefighting runoff, as well as reduces the risk to the wider environment in the event of a fire. The developer should engage with the Fire Rescue Service to make sure there is an adequate supply of water for the maximum expected duration of a fire.



Planning Board Report 7th May 2024
Land To The South East Of
Bradford Road
Rode
Frome
Somerset

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Application Number	2023/1855/RE3
Case Officer	Lynsey Bradshaw
Site	Westway Roundabout Street Somerset
Date Validated	17 November 2023
Applicant/	L Simms
Organisation	Somerset Council
Application Type	Advertisement Consent Under Regulation 3
Proposal	Erection of advertisement/sponsorship 2no. hoarding signs on roundabout.
Division	Street Division
Parish	Street Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Simon Carswell Cllr Liz Leyshon

What3Words: occupiers.swerving.cassettes

Referral to Planning Committee:

In accordance with the scheme of delegation, this application is referred to the Planning Committee because the proposal is made by Somerset Council on land owned by them. The case officer recommendation is to approve with conditions, the Parish Council recommended refusal, and the Divisional Members (for Street) did not submit a comment.

Description of Site, Proposal and Constraints:

The application site is the “Westway” roundabout on the A39, at the junction with Gravenshon Way and the Clarks Distribution Centre visitors entrance, inside the development limits of Street.

The roundabout has a diameter of approximately 14.8 metres (radius 7.4 metres) and is comprised of a raised curb with a level brick outer ring, infilled with a ‘wheel spokes’ pattern of two types of gravel with a central circle of low shrub. There is existing signage of four chevrons, with four directional arrows and downlighting illumination units above,

and three small low-level signs (“Street Business Park” / “The Rotary Club of Glastonbury & Street” / “Street Parish Council”).

This application seeks advertisement consent to erect two post mounted signs on the Westway roundabout. The proposed signs would be approximately 0.76 metres high by 1 metre wide and not illuminated.

Relevant History:

There is no relevant planning history.

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

Division Members (Street):

Cllr. Simon Carswell: No response

Cllr. Liz Leyshon: No response

Street Parish Council: Recommend refusal:

- Impact on highway safety.

Highways Development Officer: No objection

Local Representations: *No other representations have been made.*

Full details of all consultation responses can be found on the Council’s website: [View and comment on a planning application \(somerset.gov.uk\)](#)

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 (LPAs) to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council’s Development Plan comprises:

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

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

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

- CP1: Mendip Spatial Strategy
- CP8: Street Parish Strategy
- DP1: Local Identity and Distinctiveness
- DP7: Design and Amenity of New Development
- DP9: Transport Impact of New Development

Other possible Relevant Considerations (without limitation):

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

Officer Assessment:

Advertisements:

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) and the National Planning Policy Framework (NPPF) 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 account of cumulative impacts.”*

The site is on the urban edge of Street with nearby shops and businesses as well as some areas of a more rural character. The A39 is a main route through the village and county. There are existing traffic related street furniture and streetlamps, including pedestrian barriers on adjacent pavements to the west that make pedestrian access to the roundabout impractical.

The proposed signs would be positioned north and south of the centre of the roundabout, approximately 5.5 metres from the outer edge. The proposed materials are traffic grade recycled material composite, and not aluminium, to reduce the risk of theft. The proposed signs would be approximately 0.76 metres high by 1 metre wide and not illuminated.

The bottom portion of the sign would include the Somerset Council logo with the text "Supporting Local Businesses." It is the aim that the remainder of the sign above would be sponsored by third party businesses for the purposes of advertising those businesses. The proposal is part of a countywide scheme, consistent with countrywide initiatives, to create a standardised approach to signage, maintenance and management with the aim of generating an income for Somerset Council, as set out in the Somerset Council Highways Advertising Policy.

Taking all the above into consideration, and the design, scale, materials, colours, lack of illumination and number of existing and proposed signs in the context, the proposed advertisement displays are not considered to have an unacceptable impact on the visual amenity of the locality.

The Highway Authority did not object to the proposal or raise any highway safety concerns. Their response included standard advice to alert the applicant to secure appropriate approvals for working in the highway prior to the works commencing. Therefore, given the siting, scale, lack of illumination, distance and height above the highway, the proposed advertisement display is not considered to pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety.

The proposal would therefore comply with Development Policies 1, 7 and 9 of the adopted Local Plan Part 1 (2014) and the aims of the National Planning Policy Framework.

Equalities Act:

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

Conclusion:

The proposed signs raise no adverse public safety or amenity concerns and are recommended for approval with conditions.

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: Location Plan at a scale of 1:2500, Location Plan at a scale of 1:1250, Site Plan at a scale of 1:200, "Sign design - New Council Brand", "Proposed advertising sign dimensions".

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

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.

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. **Approval of Works Required from Highway Authority**

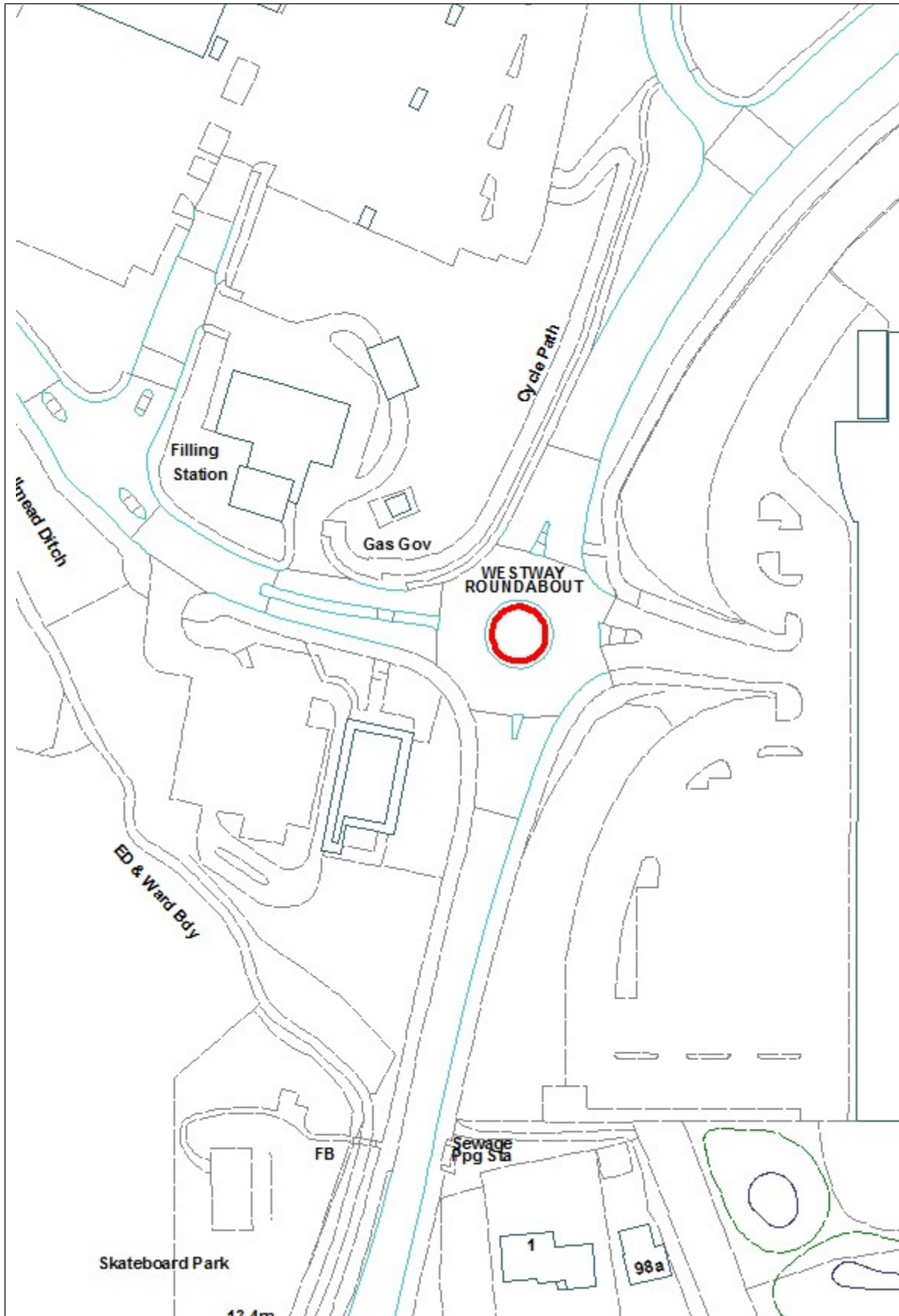
The details of the proposed works also require appropriate approvals from the Highway Authority, which should be agreed **prior to work commencing**.

3. **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.

4. 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 7th May 2024
Westway Roundabout
Street
Somerset

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

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

Referral to Planning Board

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

Description of Site, Proposal and Constraints:

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

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

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

Relevant History:

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

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

Ward Member: No comments received

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

Highways Development Officer: Standing Advice Applies

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

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

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

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

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

The Council's Development Plan comprises:

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

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

- CP1 – Mendip Spatial Strategy
- CP2 – Supporting the Provision of New Housing
- DP1 – Local Identity and Distinctiveness
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

Other possible Relevant Considerations (without limitation):

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

Assessment of relevant issues:

Principle of the Use:

The site is located in the countryside and as such the proposal does not accord with the strategy for the delivery of new housing, as set out in the Local Plan. Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for the specific exceptions (Development Policies DP12, 13 and 22), which do not apply in this case.

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

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

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

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

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

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

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

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character

and appearance of the surrounding area. The proposal accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014), plus the Design and Amenity of New Development, Policy DP7 SPD (March 2022) along with Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The proposed dwelling has been positioned and orientated within the application site in a manner to reduce the impact the development has on the residential amenity of the future occupiers and the neighbouring properties.

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

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

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

Assessment of Highway Issues:

Notwithstanding the location of the application site, outside of the development boundary, in terms of proximity to local services and facilities, the development can be considered to be in a sustainable location. The local facilities within Midsomer Norton, including the

schools, are accessible on the foot or cycle. Furthermore, the development is close to public transport connections. As such, future occupiers of the development would not be reliant on the private car. This is a material consideration in the overall planning balance.

The site is accessed off of Fosse Way (A367), an adopted A-road within a 30mph speed limit. The extant permission on the land adjacent to the application site granted planning permission for the erection of two dwellings. This proposed development including improvements to the access track that, if the permission is implemented, will benefit this application site. However, if the neighbouring permission is not constructed the access track will then only be utilised by one additional dwelling and it is considered that the existing track is capable of accommodating this increase in traffic movements.

The proposed car parking provision (3 spaces) accords with the Somerset Parking Strategy requirements for a three-bedroom dwelling in this location and adequate cycle parking provision can be accommodated within the application site.

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

When taking into consideration the proposed development as a whole, it is deemed to not pose an unacceptable impact on highway safety, and that the residual cumulative impacts on the road network would not be severe in accordance with paragraphs 114 and 115 of the NPPF.

Concerns have been raised in regard to the rights of access across the access track and its maintenance. These concerns have been noted however the matters raised are a civil matter and cannot be managed through the planning process.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Refuse Collection:

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

Environmental Impact Assessment

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

Equalities Act

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

Other Matters:

Concerns have been raised in regard to the ownership of an existing wall and that should this development be approved, works will be required to be undertaken in relation to this wall. Land ownership is a civil matter and cannot be managed through the planning process. The applicant is advised that any works that involve land not within their ownership or a party wall will require agreement from the relevant parties.

Conclusion and Planning Balance:

As highlighted above, the development is situated outside of the development limits contrary to the adopted policies within the Development Plan. However, as the relevant policies to this currently have reduced weight, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

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

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

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

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

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

2. Plans List (Compliance)

This decision relates to the following drawings:

First Floor Plan

Ground Floor Plan

Location and Block Plan

Proposed Elevations

Existing Site Plan

Roof Plan

Validated 27.06.2022

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

3. Materials (Compliance)

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

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

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

No development shall take place until a Construction Traffic Management Plan Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

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

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

Reason: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Development Policies 7, 8 and 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

5. **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 Development Policies 9 and 10 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.

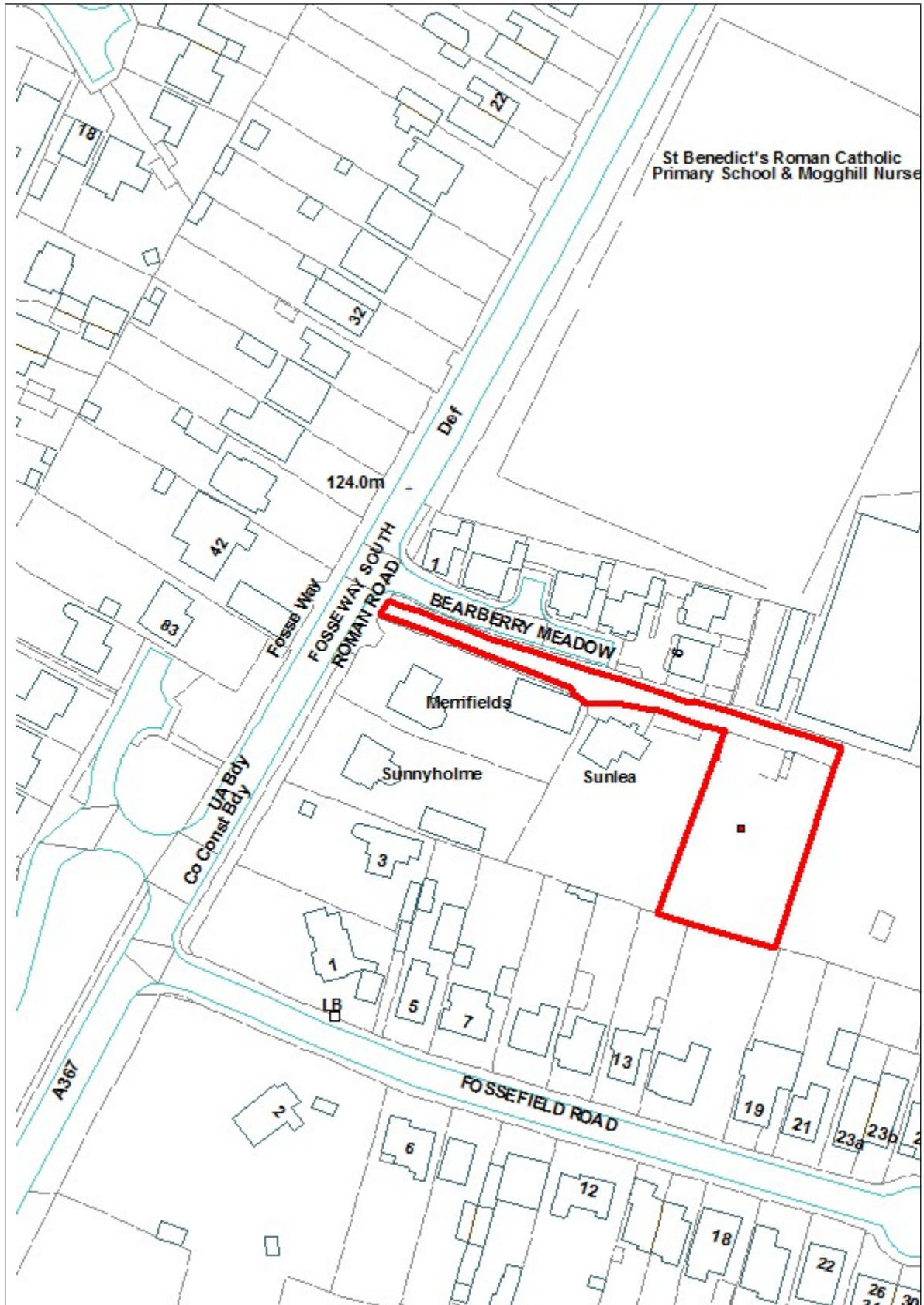
Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the 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/>

5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.

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Planning Board Report 7th May 2024
Land Adjacent To Sunlea
Fosse Way
Kilmersdon
Frome
Somerset

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

What three words: shunning.yappy.airbag

Scheme of Delegation:

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

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

Description of Site, Proposal, and Constraints:

This application relates to a parcel of land located outside of the development limits of Norton St Philip. The land is currently a small holding including fruit and vegetable growing and animals. The other part of the land (outside of the red line) is an orchard which is identified as a priority habitat. The site is also within a bat consultation zone.

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

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

Relevant History:

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

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

Division Member: No comments received.

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

Highways Development Officer: Standing advice applies.

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

Local Representations:

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

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

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

- Provision of a family home
- Sustainability

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

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

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

The Council's Development Plan comprises:

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

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

- CP1: Spatial Strategy
- CP2: Housing
- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards
- DP23: Managing Flood Risk

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

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

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)
- Policy DP24 Supplementary Planning Document - Self and Custom-build Single-plot exception sites in Mendip (March 2022)

Assessment of relevant issues:

Principle of the Use:

Core Policy 1 (CP1) of the adopted "Mendip District Local Plan - Part 1" says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells,

Glastonbury and Street). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

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

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

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

Eligibility

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

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

Location

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

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

Design and Scale

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

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

The plot occupies approx. 0.25 hectares.

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

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

Future Occupation

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

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

Conclusion against DP24

Taking the above points into consideration the proposal fails to comply with DP24 as the site is not part of, or adjacent to the nearest recognisable settlement (Norton St Philip). Additionally the gross internal floor space and plot area exceeds the limitations set out in the policy and the design is not in harmony with the character of the area, or of a suitable design which is appropriate to its location.

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), can only be given reduced weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies.

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

In this case given the proposal is contrary to DP24, it would be contrary to Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2 and would result in an isolated dwelling in an unsustainable location. As a scheme for just one dwelling, the

benefits of the proposal are not considered to outweigh the harm caused by this conflict against the development plan and the other harms assessed below. The principle of development is therefore considered unacceptable.

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

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

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

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

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

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

Impact on Neighbouring and Residential Amenity:

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

The proposed dwelling is on a parcel of land which is adjacent to an existing orchard, which is a priority habitat. There is a track that runs through the site and onwards into the orchard. The creation of a dwelling in the front section of the site could have a detrimental impact on the management and maintenance of the orchard. It is noted that the parcel of

land subject to the application and the orchard are both within the same ownership, neither part is within the ownership of the applicant.

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

Impact on Ecology:

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

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

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

Assessment of Highway Issues:

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

The application states that the first 55m of the track have sufficient width for 2 cars to pass (no reference is made to larger vehicles). The next 60m of the lane is single width with no consolidated surface and has no passing places and no clear line of site between the start and finish. The final section is 137m long with no passing places however it does have a clear line of site from start to finish.

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

associated with a domestic property that are not necessarily undertaken by the residents such as delivery vehicles.

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

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

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

Trees:

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

Land Drainage:

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

Development Policy 8 (DP8) states that *“all development proposals should minimise, and where possible reduce all emissions and other forms of pollution”*. Point 1 of DP8 states *“Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]*

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

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

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

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

Refuse Collection:

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

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

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion/ Planning Balance:

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

The Council cannot currently demonstrate a 5-year supply of deliverable housing sites so, in these circumstances, Paragraph 11 of the NPPF applies in that there is a presumption in favour of sustainable development and that therefore planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

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

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

Recommendation

Refusal

1. The proposal has been submitted as a self-build application requiring consideration under DP24, yet the application fails to meet the criteria of this policy as the site is not part of, or adjacent to the nearest recognisable settlement; the scale of the development (gross internal floor space and plot area) exceeds the limitations set out in the policy and the design is not in harmony with the character of the area, or of a suitable design which is appropriate to its location. Accordingly, the proposal

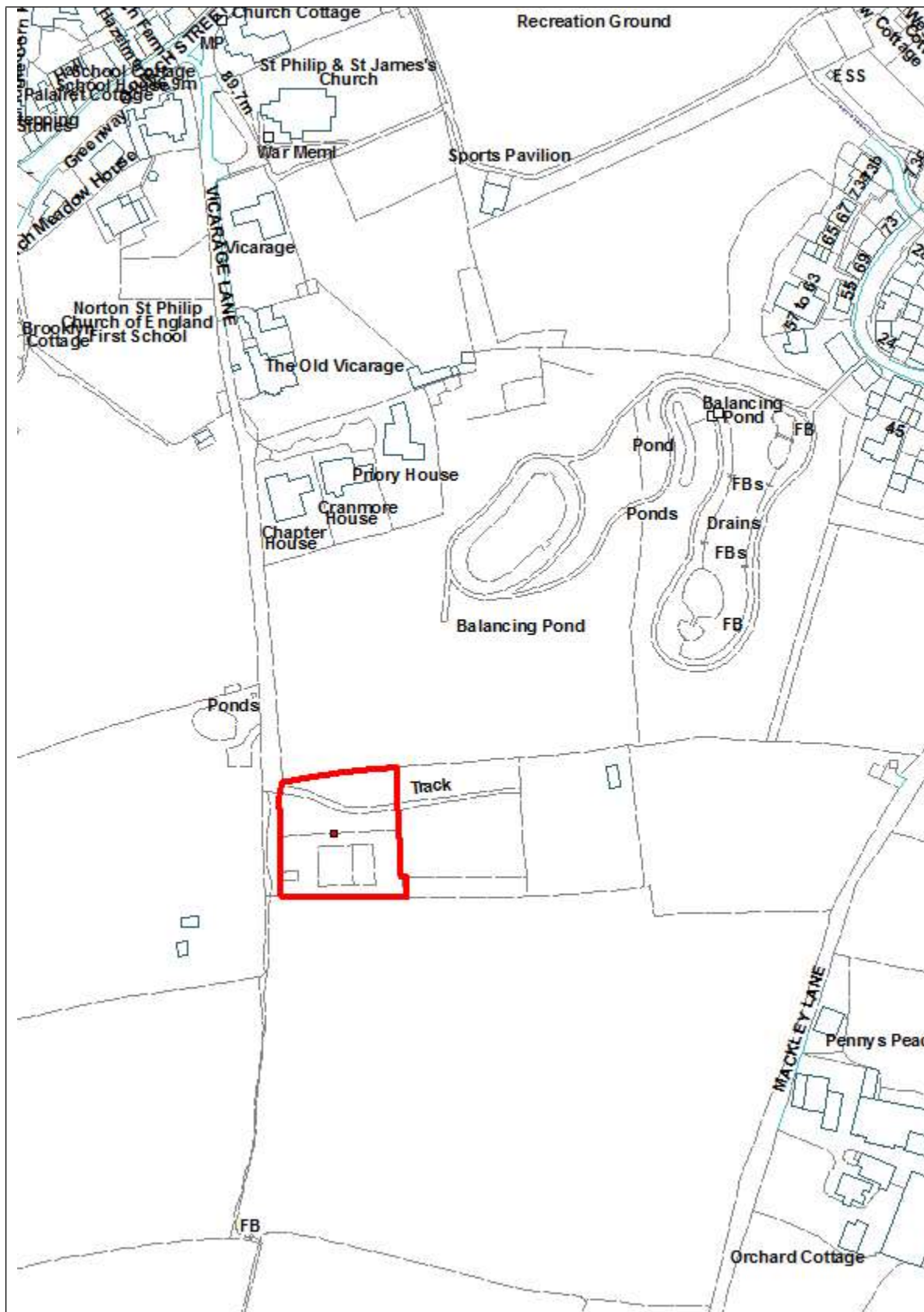
would result in an isolated rural dwelling in the countryside where development is strictly controlled and does not represent an exception to the Council's Spatial Strategy for the distribution of housing as set out in CP1 and CP2. It would therefore lead to unjustified encroachment into the countryside and represent unsustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities, thus fostering a growth in the need to travel by private vehicle. The proposal is therefore considered to be contrary to the provisions of Policies CP1, CP2, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); DP24 (Single-plot Exception Sites for Self and Custom-Build) of Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapters 5 and 9, and National Planning Practice Guidance.

2. The design and scale of the development fails to reflect the character of the area and thus fails to contribute positively to the maintenance and enhancement of local identity and distinctiveness. Together with the concerns with the siting in an isolated location and failure to meet the tests in terms of the principle of development, it would result in unjustified encroachment into the open countryside that would have a significant harmful impact on the rural character of the area and wider landscape. The proposal is therefore considered to be contrary to the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014); and the National Planning Policy Framework, to include paragraphs 11 and 12 and Chapter 12, and National Planning Practice Guidance.

Informatives

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

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Planning Board Report 2nd May 2023
Land At The Orchard
Vicarage Lane
Norton St Philip
Bath
Somerset

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Application Number	2023/2451/FUL
Case Officer	Carlton Langford
Site	Flats 1-4 1 Saxon Vale Frome Somerset BA11 1PW
Date Validated	4 January 2024
Applicant/	A Harding
Organisation	Earthaus Property Ltd
Application Type	Full Application
Proposal	Change of use from four residential flats with C3 use, to C1 (hotel use).
Division	Frome West Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

Referral to Planning Committee:

This application has been referred at the Request of the Division Member with the support of the Vice Chair of the Planning Committee –

“Although Frome is in need of B&B and hotel type accommodation it is in even more need of residential flats. The application will take away 4 badly needed flats so I would suggest that this be considered in the planning balance. If you decide that it is suitable for approval then I would be grateful if you could give me the opportunity to refer this to Planning Committee should the Chair/Vice Chair approve.”

Description of Site, Proposal and Constraints:

This application relates to 1 Saxon Vale (Flats 1-4) which adjoins 2a Church Street at the rear. The premises is a Grade II Listed Building situated within the development limits of Frome, the Frome Conservation Area and Town Centre boundary, an Area of High Archaeological Potential and a Bat Consultation Area.

This application seeks full planning permission for the change of use from four residential flats to 8 separate hotel rooms on the first and second floors of the building (Change of use from C3 flats to C1 hotel)

Amended plans received which reduce the number of new vents to serve each room and

Relevant History:

2023/2416/LBC – Approval to upgrade insulation in roof, install secondary double glazing and ventilation fans in association with the change of use from flats to hotel. 26 March 2024.

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

Ward Member: Object to the loss of flats.

Town Council: No objection subject to the concerns from Somerset Waste Partnership being managed.

Highways Development Officer: Standing advice

Conservation Officer: No objections

Somerset Waste: Comment - Somerset Council Waste Services does not provide a commercial waste service (which a hotel would have to use), however it is worth noting that the space for 8 units' waste (double the current number of residential units) is unlikely to be sufficient on the current plans. I would suggest that there needs to be ample space for separate general waste and recycling containers (likely to be 1100L bins), stored off the public highway.

Environmental Protection: No objections

Frome Civic Society: Comments - The accommodation is cramped and the layout poor (e.g a bathroom over a bedroom). Other considerations are that hotel use would imply a frequent turn-over of vehicles but there is no parking available on site or on Church Street. The bin store looks inadequate for the collation, separation and storage of waste and recycling for an 8-bed hotel.

CLLr Dunk raises an interesting point about loss of residential use, although the economic arguments around employment (to service the rooms) and for tourist accommodation in the Saxonvale area should also be considered.

Local Representations: None received.

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

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

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

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

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP3 – Employment
- CP6 – Frome Town Strategy
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Conservation
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP10 – Parking
- DP21 – Managing Town Centre Uses

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

The site is within the development limits of Frome where there is a presumption in favour of development as per Core Policies CP1 and CP3.

The site is however within the Frome Town Boundary where town centre employment uses are safeguarded under policy DP21. However, the premises is neither within a primary retail frontage nor a secondary frontage where stricter employment safeguarding controls are imposed but rather within the wider town boundary which encourages a mix of uses to include elements of retail, leisure, office, residential, cultural or any other use which might attract trade or activity in the wider town centre. As the hotel use, this will attract trade to the town centre and therefore, the proposal complies with Policy DP21 of the LP.

Whilst concerns have been raised to the loss of the 4 flats to the hotel use, there are no policies within the Local Plan or Nationally which protect the loss of C3 uses (dwellings or flats). The proposal accords with the Council's Core Policies CP1, CP2, CP3 and CP6 of the LP.

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

The majority of the works are internal save for the insertion of small vents within the walls and roof. This has been adequately covered under a separate application for Listed Building Consent already approved.

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.

The site is a Grade II Listed Building, located in the historic heart of Frome. It used to form part of the rear of the property at Number 2 Church Street but is now separated. The building is thought to have been used as a warehouse historically and was converted into flats during the late 1990s. Very little historic fabric remains, following these alterations, apart from the external walls. Despite this, the building forms part of Frome's rich industrial heritage and it makes a positive contribution to the character of the Conservation Area.

This application seeks permission for a series of internal changes, to create greater flexibility for letting either serviced apartments or residential flats. The works involve upgrading loft insulation, the installation of secondary glazing and additional ventilation measures.

The building went through substantial alterations during the 1990s and very little, if any, significant historic fabric has survived, apart from the external walls. As such, the internal changes will have no impact to the significance of the Listed Building and are considered to be acceptable.

Originally 9 additional vent tiles were proposed, although they are already present on the roof, they are made from plastic and are poor additions to the building. The revised scheme submitted proposes the use of 4 cast iron cowl vent cover and one vent tile. The cast iron cowls are in keeping with the industrial character of the building and will have minimal impact to the listed building. Due to the layout of the building, one tile vent is proposed onto the roof. The only alternative for this would be a cast iron cowl, just below the apex of the roof at the gable end, this would look odd and be very prominent. As vent tiles are already present here, the addition of one more will have minimal impact to the listed building. In line with the NPPF, this would fall within the category of less than substantial harm, at the very low end. Paragraph 208 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. There is public benefit to be gained from this scheme, providing the building with a long-term viable use, as such, the small impact from the tile vent is outweighed.

Having regard to the above, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and 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:

No significant changes over and above the current use as flats.

Impact on Ecology:

No alterations are proposed which might impact on ecology and the works/change of use do not warrant the need for any ecological enhancements.

Assessment of Highway Issues:

The existing premises are not afforded off-street parking provision. The premises is however within walking distance of several town centre car parks which are considered acceptable to serve the proposed development. As such, it would be unreasonable to insist on the provision of off-street parking at this site in relation to the change of use proposed.

Refuse Collection:

The applicant has confirmed that there is adjoining land within their control where a commercial bin store can be accommodated. It will be necessary to ensure that this is provided prior to the first occupation of the premises.

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:

The proposal is acceptable in principle and raises no design, amenity, heritage, highway safety or other concerns and is recommended for approval.

Recommendation

Approval

Conditions

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

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

1949 S 01 and 02

1949 P 01B

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

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

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

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

Informatives

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

2. **Condition Categories**

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

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

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

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

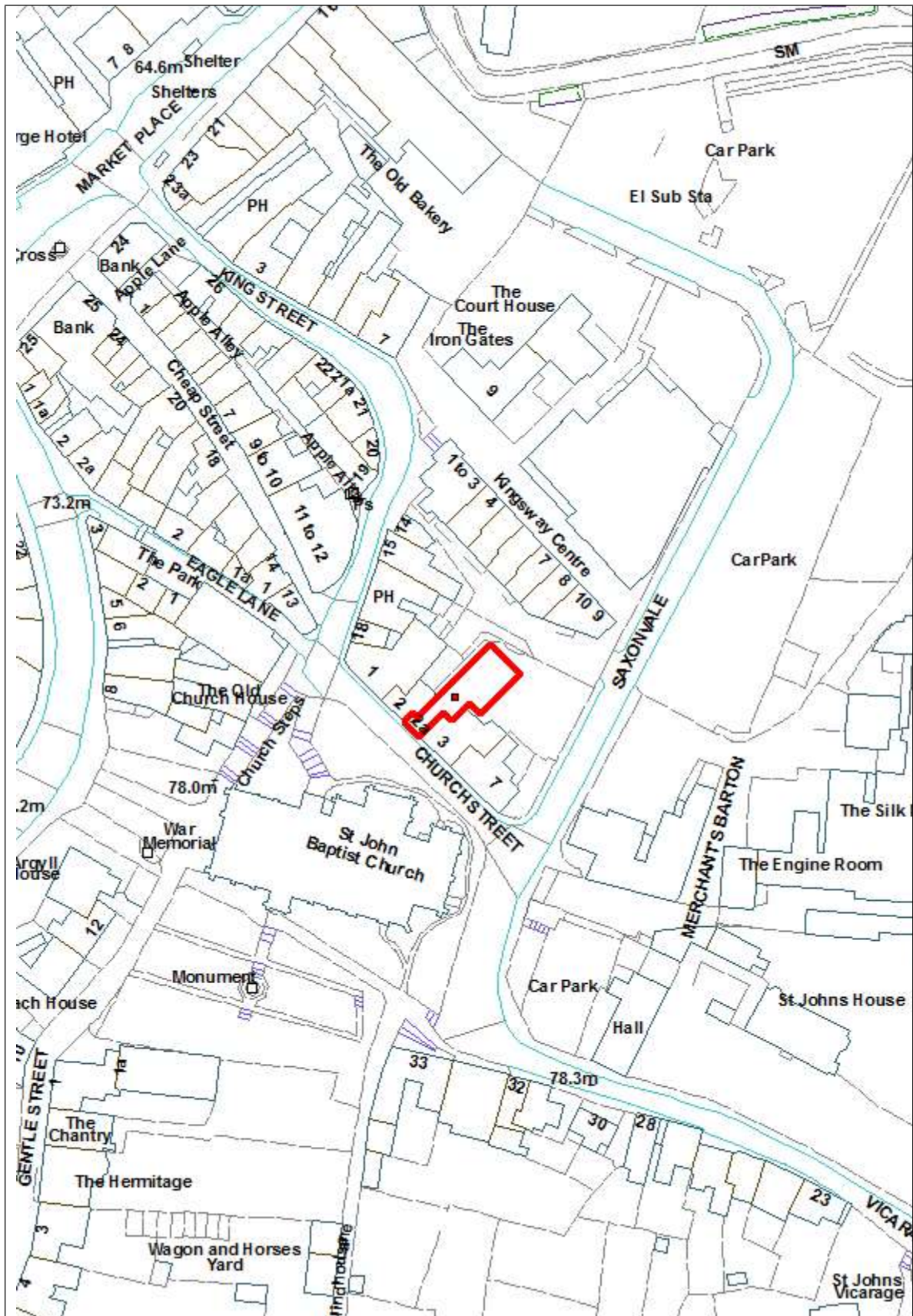
Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

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

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

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

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



Planning Board Report 7th May 2024
 Flats 1-4
 1 Saxon Vale
 Frome
 Somerset
 BA11 1PW

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Application Number	2024/0056/FUL
Case Officer	Kelly Pritchard
Site	Park Farm Haydon Drove Haydon Wells Somerset
Date Validated	31 January 2024
Applicant/ Organisation	S Hill
Application Type	Full Application
Proposal	Conversion of barn to single dwelling (Part retrospective).
Division	Mendip Hills Division
Parish	St Cuthbert Out Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What Three Words: prickly.chemistry.bordering

Referral to Committee

In accordance with the scheme of delegation, this application was referred to Chair and Vice Chair. This is because the case officer recommendation is to refuse, the Parish Council recommends approval and Divisional Member did not submit a comment. The Chairman then requested that this application be considered by the Planning Committee.

Description of Site, Proposal and Constraints:

This site is single storey agricultural barn at Park Farm, Haydon Drove, Haydon.

Park Farm and its land has been separated from the land to the north which is now used as a shooting ground leaving the original farmhouse, an old shop which has been converted into a one bed holiday apartment and a series of outbuildings and a Dutch barn in the small complex. There are work units north of the application site within the same ownership, but their current use is unclear, they appear to be a gym and a car valeting business.

The site is located outside the settlement limits as defined by Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP). It is located within the Area of Outstanding Natural Beauty (AONB), the Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation) (band C), Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (Band C) a Site of Special Scientific Interest Impact Risk Zone and it is within the Somerset Levels and Moors Ramsar Risk Area.

The application seeks full planning permission for the conversion and extension of barn to dwelling (part retrospective).

The plans submitted with this application include a drawing showing the floor plan and elevations as existing and proposed plans which show the addition of a new dormer window and a single storey extension to the rear (west elevation), a staircase giving access to a new mezzanine level for the main bedroom and new windows to the east and south elevations. The walls will be finished in natural stone with a clay tiled roof and timber windows and doors.

It is proposed that foul drainage from the site will be dealt with by an existing septic tank.

The submitted Design and Access Statement states;

“The barn, the subject of the application has been re-roofed and made structure safe under the guidance of a local structural engineer, who has also advised on the existing stone walls.”

When an application is submitted retrospectively it is not always possible to compare the original design and characteristics of the existing building to the proposed development, even if existing drawings have been submitted.

To inform this part of the assessment of the current application in 2020 (ref: 2020/1853/FUL) the applicant proposed the conversion of the Dutch barn, which is located directly adjacent to the building to which this application relates to into a dwelling and there are photographs of the building covered by this application on that application case file. These photos show part of the roof of the building now being considered under the current application in the background where the roof is much lower than the existing drawings now submitted, as reproduced below. The roof of the building which is subject to this current application is seen behind the blue shipping container in these pictures.





A site visit was undertaken in February 2024 as part of the assessment of this current application, and the inspection of the works undertaken and for which planning permission is now sort were reflective of a new build rather than a conversion. The building has a new roof which appears to be higher than it was historically, it has new blockwork, floors and steels, in addition to the extension of the footprint and new dormer window.

The applicant has not provided any supporting information about the history of the building, a structural survey, an ecological appraisal or any information demonstrating that the development will be phosphate neutral.

It will be set out within this report that the development does not comply with Policy DP22

(Reuse and Conversion of Rural Buildings) and is therefore an unjustified new dwelling in an unsustainable location remote from services and facilities within the countryside.

Furthermore, the presumption in favour of sustainable development (paragraph 11 d) of the NPPF does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects).

Relevant History:

ENF/2023/0395

- 2013/1089 – conversion and use of shop into either a shop or holiday cottage. Approval. 08.11.13 (this is a building to the south west of the proposed development)
- 2019/3077/HSE - Erection of a side two storey extension. Approval. 11.02.20 (this is a building to the south west of the proposed development)
- 2020/1853/FUL – Conversion of three bay Dutch barn and lean to into a dwelling. Withdrawn. 22.03.21 (this was to the east of the development proposed).

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

Divisional Member: No comments received.

St Cuthbert Out Parish Council: Approval.

Environmental Protection: No objection.

Ecology: Although ecology have been consulted, no comments received but this is likely because no ecological information has been submitted with the application.

Local Representations:

No other representations have been made.

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)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP22 (Reuse and Conversion of Rural Buildings)
- 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 site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled. 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 (DP) 12 (Rural Exception Site), 13 (Accommodation for Rural Workers), and 22 (Reuse and Conversion of Rural Buildings for residential use).

The application has not been submitted on the basis of Policies DP12, DP13 nor has it provided adequate evidence to suggest compliance with these policies, as such are not considered to apply here.

The (LPA) 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, CP2 and CP4) currently have reduced weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

Paragraph 188 of the NPPF states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. As will be discussed later in this report, there is a lack of information to determine what effect the proposal would have on the Somerset Levels and Moors Ramsar natural habitat in terms of phosphate loading. As such, a precautionary approach is required, and it is not possible to conclude that the proposal would constitute sustainable development, as per paragraph 11 of the NPPF.

Paragraph 84 of the NPPF, is supportive of schemes for the conversion of rural buildings to residential uses where it will lead to the enhancement of the immediate setting. The proposal has been submitted as a barn conversion as such the Local Planning Authority (LPA) is considering it under policy DP22.

Development Policy 22 (DP22) mentioned above as an exception policy, states that the

reuse and conversion of a redundant or disused rural buildings in the countryside (outside of defined development limits) for residential use will be given favourable consideration where it would lead to an enhancement to the immediate setting, and lists a number of criteria that the development would need to comply with, including:

- d) the building is of permanent and substantially sound construction and is proposed for re-use and adaption in a manner which would not require major or complete reconstruction
- e) any bat roost present is incorporated or replaced, and external vegetative structure supporting is maintained or replaced within the scheme.

No structural survey has been provided to demonstrate the building is capable of conversion without complete reconstruction.

On the basis of the information submitted it is not considered that the application scheme could be supported by policy DP22.

Therefore the application scheme has been assessed as an unjustified dwelling in the countryside in a remote location and poor accessibility and connectivity to local services and facilities and would foster growth in the need to travel by private vehicle. Please refer to the planning balance assessment at the conclusion section of this report.

Ecology:

The site is within a Site of Special Scientific Interest Impact Risk Zone, and a Bat Consultation Zone. It is also within the Somerset Levels and Moors Special Area of Protection Ramsar Risk Area.

DP5 states that all development proposals must ensure the protection, conservation and, where possible, enhancements of internationally, nationally or locally designated natural habitat areas and species. It goes on to say that proposals with the potential to cause adverse impacts on protected species or habitats are unlikely to be sustainable and will be resisted. Exceptions will only be made where offsetting or compensation can be secured.

DP6, relating to bat protection, states,

Planning applications for development on sites within the Bat Consultation Zone will require a 'test of significance' under the Habitats Regulations to be carried out.

Applicants must provide, with their application, all necessary information to enable compliance with the Habitats Regulations (or their successor), including any necessary survey work, reports and avoidance/mitigation measures.

No ecological survey of the building and/or the area affected by the application scheme has been provided and given the site is in a sensitive location for bats it must be assumed that the presence of light adverse species is in existence within the locale.

The applicant has not carried out the necessary surveys to assess the presence of protected species or how any species would be protected within the building. Therefore, the impacts of the development cannot be adequately assessed with regards to protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species. As the development is partly retrospective any protected species that may have been present will have been disturbed, but policy also seeks enhancement via biodiversity net gain. No enhancements have been provided.

As such the development is considered to be contrary to Policy DP5 and DP6.

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

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

It is considered that the applicant would need to demonstrate that the proposed development is phosphate neutral, and no such information has been provided.

Therefore, insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. Furthermore, the development therefore conflicts with Policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).and Part 15 of the National Planning Policy Framework.

Impact on Residential Amenity:

It is recognised that there are some noise generating uses close to where the development is proposed however, when considering the relationship of a dwelling to those uses there is an element of buyer beware. When planning permission was given for the indoor shoot, consideration would have been given to the existing uses including the existing residential uses and as such suitable conditions would have been imposed so as not to impact negatively. Most of the other uses within the immediate setting of this complex of buildings are within applicant's ownership. Environmental Protection have not objected.

Having regard to these factors it is considered that the amenity of the future occupiers and the impact on neighbouring amenity will not be significant.

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) and Part 12 of the National Planning Policy Framework.

Assessment of Highway Issues:

Access from the highway is via a shared drive with the shooting ground and other uses. There is no allocated parking shown for the proposed house other than a statement in the Design and Access Statement to say that the site has a large parking area large enough to park cars. There are no proposal to change the access or parking for the site.

It is considered that the addition of one extra dwelling utilising the site would not prejudice highway safety, and there would be adequate room within the site for the provision of parking.

Notwithstanding this as discussed earlier in the report the development is considered to be in an unsustainable location and would therefore foster growth in the need to travel.

Area of Outstanding Natural Beauty:

The application site is within the AONB but given its siting in the context of other buildings it is unlikely to compromise the character of this sensitive designation.

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

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion and Planning Balance:

The proposal goes beyond the allowances which could be achieved as a barn conversion supported by policy DP22. Furthermore, there are no special circumstances to justify what would amount to a new-build dwelling in the countryside in an area with limited services resulting in a dwelling in an unsustainable location contrary to policies CP1, CP2 and CP4 of MDLP and advice contained with paragraphs 84 and 188 of the NPPF.

In the absence of a suitable ecological survey with regards to the site or any proposed ecological mitigation or enhancement, it is considered that the application fails to adequately demonstrate that protected species or their habitat can be safeguarded or enhanced contrary to Policies DP5 and DP6 of MDLP and Part 15 and paragraph 188 of the National Planning Policy Framework.

The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of sufficient technical information evidencing the level of phosphates generated by the development, and sufficient mitigation measures, if any, to demonstrate that phosphate neutrality can be achieved, the LPA is unable to carry out an Appropriate Assessment to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar.

Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in Regulation 64. As it cannot be ascertained that the proposal will not adversely

affect the integrity of the Ramsar site, and as the exceptional tests in Regulation 64 do not apply, the LPA cannot permit the proposal. It is therefore not in accordance with Policies DP5 and DP8 of MDLP and paragraph 188 and Part 15 of the National Planning Policy Framework.

In summary there is no policy support in the development plan or from the NPPF and the application is recommended for refusal for the reasons as set out above with regards to acceptability of the principle of the application scheme, given that the limited benefits in housing supply terms of one additional unit in an unsustainable location is not considered to be significant and/or demonstrably outweigh the very limited benefits.

Recommendation

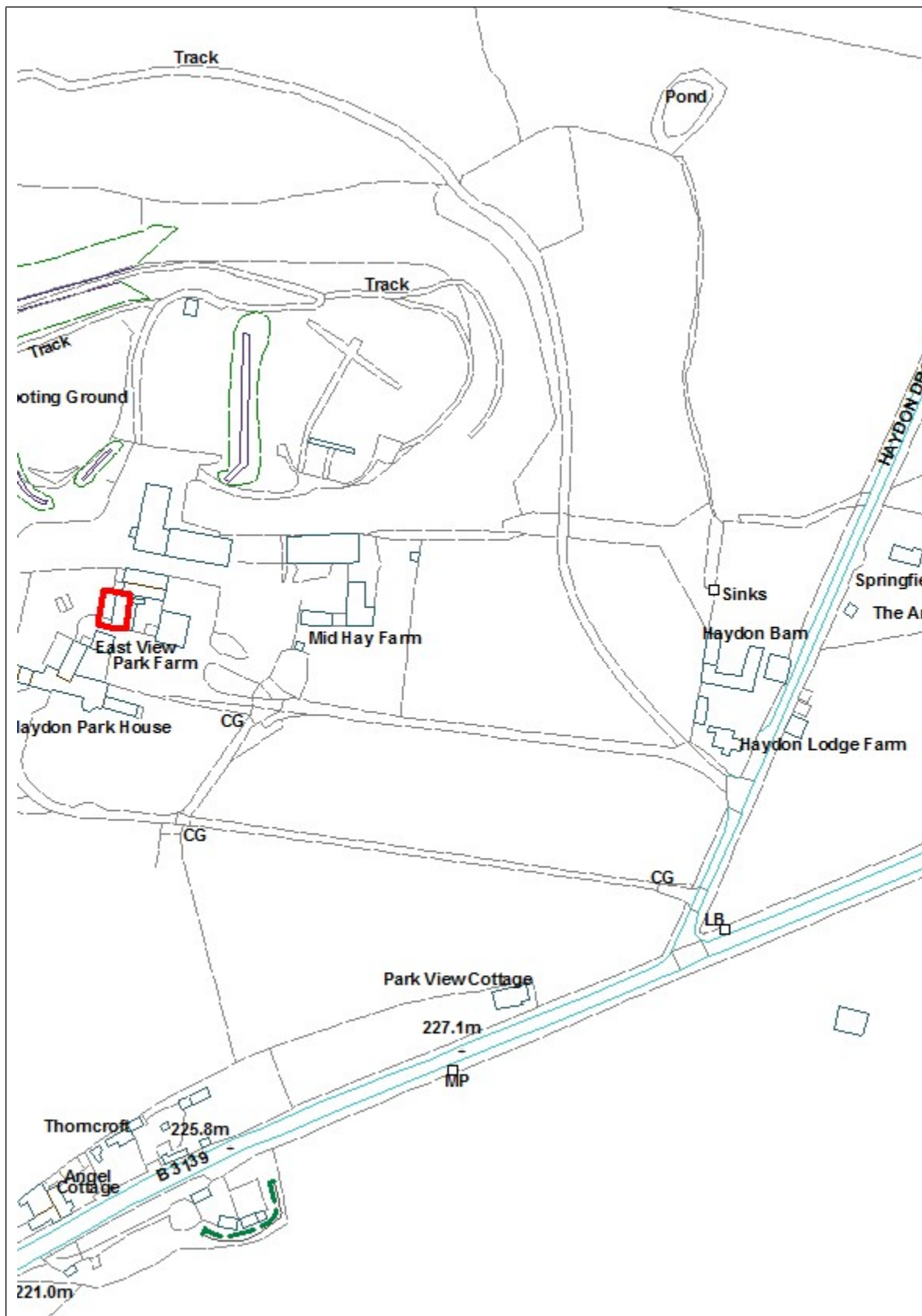
Refusal

1. The application site is in rural location in the open countryside where new development is strictly controlled in the interest of maintaining the rural character and appearance of the area. The planning application has been submitted part retrospectively and based on the information submitted the development as proposed is considered to represent a new building rather than a conversion that could be supported by DP22. Furthermore the application scheme does not represent sustainable development by virtue of its remote location and poor accessibility and connectivity to local services and facilities and would foster growth in the need to travel by private vehicle. The limited benefits in terms additional housing supply and the limited economic benefits for the wider community do not in this case outweigh the harm identified. The proposal is therefore considered to be contrary to the provisions of Policy CP1, CP2, CP4, DP1, and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014) and the National Planning Policy Framework (Paragraphs 11d, 84 and 188).
2. The site and building is located within the Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation) (band C), Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (Band C). The applicant has not carried out the necessary surveys to assess the presence of protected species or how any species would be protected within the building, nor have they provided any ecological mitigation or enhancements. Therefore, the impacts of the development cannot be adequately assessed with regards to protection and/or enhancement of natural habitat areas and species. As such the development is considered to be contrary to Policy DP5 and DP6 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 and paragraph 188 of the National Planning Policy Framework.

3. The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of sufficient technical information evidencing the level of phosphates generated by the development, and sufficient mitigation measures, if any, to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority is unable to carry out an Appropriate Assessment to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in Regulation 64. As it cannot be ascertained that the proposal will not adversely affect the integrity of the Ramsar site, and as the exceptional tests in Regulation 64 do not apply, the Local Planning Authority cannot permit the proposal. The proposal is therefore not in accordance with Policies DP5 and DP8 of Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 188 and Part 15 of the National Planning Policy Framework as there is the potential for the proposed development to result in adverse effects on the Somerset Level and Moors Ramsar site.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to Existing Floor and Elevations Plan received 12.01.24 and Proposed Floor and Elevations Plan, Block and Location Plan received 31.01.24.



Planning Board Report 7th May 2024
Park Farm
Haydon Drove
Haydon
Wells
Somerset
BA5 3EH

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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 21st March 2024 and 24th April 2024.

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

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

Application Reference	2023/0516/ADV
Site Address	Land On The South Side Of Station Approach, Frome
Applicant/Organisation	Wildstone Estates Limited
Application Type	Advertisement Consent
Proposal	Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display
Decision	Refusal (Planning Committee)
Appeal Decision	Appeal Allowed
Appeal Decision Date	22.03.2024



Appeal Decision

Site visit made on 16 February 2024

by **A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/E3335/Z/23/3332669

Land on the South Side of Station Approach Frome BA15 2NG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Somerset Council.
 - The application Ref 2023/0516/ADV, dated 16 March 2023 was refused by notice dated 26 September 2023.
 - The advertisement proposed is Erection of 1 No.48 Sheet Externally Illuminated Paper and Paste Advertising Display, measuring 6.0m wide x 3.0m high and 1.9m from ground level to base.
-

Decision

1. The appeal is allowed and express consent is granted for the 48 Sheet Externally Illuminated Paper and Paste Advertising Display as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional condition:-
 - 1) The display hereby approved shall not be illuminated between the hours of 23:00 and 06:00

Application for costs

2. An application for costs was made by Wildstone Estates Limited against Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development upon (a) amenity and (b) highway safety.

Preliminary Matter

4. This appeal arises following a decision by the appellant to substitute their intended installation of a similar sized internally illuminate digital advertising display (ref. 2022/2286/ADV January 2023 (The 2023 consent) with an externally-lit 'paper and paste' installation of similar size in the same location. This change arose from local representations to which the appellant acceded, however, a more-than-theoretical prospect exists as to the prospect of the 2023 consent being implemented and I have addressed the appeal accordingly.

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Reasons

Impact on amenity

5. The proposed display would be mounted on what was, at the time of my visit, a steep bank covered in grass and brush on the southern side of the access to Frome Railway Station. Station Approach serves a number of commercial premises which sit high above Portway/Wall Bridge (A362). The appeal site is therefore separated from and not within the setting of the Grade II Listed Frome Station. On the northern side of the A362 there is a small group of listed buildings and listed boundary walls, however despite their proximity, due to the alignment of the road and intervening vegetation, the appeal site does not fall within the setting of these designated heritage assets. However, the edge of the A362 defines the extent of the Frome Conservation Area (CA) which is also a designated heritage asset.
6. At present although Station Approach does present a backdrop of commercial activity including building-specific signage, to users of the A362, the application site is only populated by small scale functional signage related to the Railway Station. The proposed display would infill the space between these signs and a large tree which sits opposite the junction where Wallbridge Avenue emerges onto the A362. The display would therefore be prominent for users of Wallbridge Avenue emerging from other parts of the CA and to users of the A362 where this lies within the CA.
7. Having regard to the duty expressed in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I note that the appeal site (and therefore the proposed display) abuts the CA and lies within 'Character Area 3' according to the LPA's 2008 appraisal. This notes detractors or negative features as including obtrusive traffic signage and other traffic management measures that relate to the high levels of traffic along the east-west route which includes the A362. Although not falling within the CA, the proposed sign would be on the periphery of the junction with station approach and would therefore widen the area within which signage is directed at users of the highway and, being within the setting of the CA, add to this negative aspect of its character.
8. However, as the appellant's submission makes clear, what is before me was submitted following local representations pursuant to approval by the Local Planning Authority at the time¹ of a similarly-sized but digital display² in the appeal location which, the appellant confirms³, would be implemented should this appeal be dismissed. The circumstances of this matter clearly present a more-than-theoretical prospect of implementation of a digital version of the appealed proposal. In which regard there would be, due to its dynamic nature, a risk of harm to amenity which would be, in my view, significantly greater than that which would arise from the refused proposal. Bearing in mind the circumstances surrounding the case I consider this 'fallback' argument to carry significant weight in favour of the proposal before me.

Highway safety

9. For the same reasons, even if it were considered that the proposal represents a risk to highway safety, it cannot reasonably be argued that such harm, if it

¹ Which was Mendip District Council

² ref. 2022/2286/ADV January 2023

³ Appellant grounds of appeal at 6.1

were to exist, would be greater than that of the approved display and on that basis it is not necessary to consider this main issue further.

10. I therefore conclude, for the reasons given and taking all matters raised into account that the appeal succeeds subject to the usual conditions together with, having regard to the restriction on illumination set out in the 'fallback' decision, a similar provision in this matter.

Andrew Boughton

INSPECTOR

Application Reference	2023/0561/FUL
Site Address	Henleaze Farm, Holt Lane, Whitham Friary, Frome
Applicant/Organisation	M Chanri
Application Type	Full Planning Permission
Proposal	1no. temporary timber-built cabin with associated access, parking and landscaping for tourist accommodation.
Decision	Refusal (Chair)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	22.04.2024



Appeal Decision

Site visit made on 9 April 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/E3335/W/23/3331877

Henleaze Farm, Holt Lane, Witham Friary, Frome, Somerset BA11 5HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Madhvi Chanri against the decision of Mendip District Council.
 - The application Ref is 2023/0561/FUL.
 - The development proposed is described as the provision of 1 temporary timber-built cabin with associated access, parking and landscaping for the purposes of tourist accommodation, designed in response to available guidance.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Mendip District Council has now merged with other Councils in Somerset to form Somerset Council. However, the development plan for the area formally covered by the District Council remains in place until such time as it is revoked or replaced. I have determined the appeal on this basis.
3. The description of development in the banner heading above is taken directly from the original planning application form.

Main Issues

4. The main issues are:
 - Whether the proposed development would be in a suitable location having regard to the development plan's spatial strategy and national policies; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location

5. The appeal site forms part of an existing farm in a rural location, outside of any recognised development boundary within the adopted development plan. It is therefore in the open countryside for planning policy purposes.
6. The spatial strategy for the District for the period 2006 – 2029 is set out within Core Policy 1 of the Mendip District Local Plan Part 1: Strategy and Policies (adopted 2014) (the LPP1). Amongst other aspects, it establishes a hierarchy for development, with the majority of development to be directed towards the five principal settlements within the District, with more limited development opportunities promoted in secondary villages and other villages and hamlets.

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The policy sets out that development in the open countryside will be strictly controlled but may be exceptionally permitted in line with the provisions of Core Policy 4.

7. Core Policy 3 of the LPP1 supports economic development, including in rural areas, subject to various criteria. This includes that development proposals should limit the growth in demand for private transport and are accessible by sustainable transport modes.
8. Meanwhile, Core Policy 4 of the LPP1 indicates that rural communities will be sustained, by amongst other aspects, supporting proposals for the development of the rural economy as set out in Core Policy 3. Again, this is subject to other requirements, including that diversification of a business is in a manner and scale appropriate to its location and constraints.
9. Together the above policies therefore provide support for development of the rural economy, including proposals for farm diversification. Nonetheless, it remains that development proposals should be located where there are choices in the mode of transport available, as well as ensuring new developments are suitably located to facilities. These LPP1 policies are reflective of the National Planning Policy Framework (the Framework) objectives to guide development to sustainable locations.
10. On my site visit, I observed that the nearest village of Whitham Friary, is located approximately 0.5 miles from the appeal site. The village contains a public house that visitors to the proposed development may utilise. Whilst the village also contains a Post Office, this is subject to extremely limited operating hours. Additionally, it was evident that other facilities or services in the village and the surrounding area were highly limited. It is recognised that future visitors would only be residing in the cabin on a temporary basis, but they would still likely seek access to a wider range of services and facilities, for example shops for provisions and visitor attractions. Therefore, it is likely that visitors to the site would need to travel further afield to accommodate wider needs or activities.
11. Furthermore, even those limited facilities available within Whitham Friary are not particularly accessible to the site, other than by private motor vehicle. This is due to the distances involved, while the surrounding road network within the immediate vicinity of the site consists mainly of narrow, unlit country roads that lack separate pavements. As such, the character of the surrounding road network would not promote pedestrian or cyclist usage. Similarly, although there is a public right of way within the vicinity of the appeal site, the route is largely exposed, involves crossing agricultural fields with varying conditions under foot, and again is unlit.
12. The absence of pavements and lighting may not deter all persons from walking or cycling to facilities in the wider area. Nevertheless, I consider it would still be a hinderance that would deter most occupants of the proposal, especially during adverse weather or periods of darkness.
13. The provision of cycle storage, electric bike charging facilities, and communications on the public footpath network as part of the appeal proposal is commendable. However, given the above context, I am not convinced that this would lead to a significant number of future occupiers of the development utilising sustainable means of travel to and from the site.

14. The nearest bus stop has been identified as being in Upton Noble approximately 1.8 miles from the site. No specific details of the timetable have been provided, as such it is unclear as to the regularity of the bus service. In any case, it is located a considerable walking/cycling distance from the appeal site mainly along country lanes or public rights of way as described above. Therefore, the use of buses is unlikely to be a realistic choice for visitors to the appeal scheme. Likewise, the distance to the train station in Frome is also unlikely to make it an attractive option for wider travel to and from the site.
15. In reaching the above views, I note that the appellant may be willing to offer a shuttle service for any future guests to and/from the wider transport network (i.e. train stations/bus stops). However, I am not convinced that such a service would have significant uptake given the likely lack of convenience this would entail to both guests and the appellant. Moreover, such an arrangement cannot be suitably secured or guaranteed. Similarly, the provision of food hampers, or the option to purchase farm produce at the site, would not necessarily significantly reduce the travel requirements of future guests.
16. Consequently, future visitors are likely to be heavily reliant on the use of private vehicles to access all but a very limited range of services and facilities. This would be the least sustainable travel option.
17. The potential for alternative means of transport in rural areas is often limited. However, in this case, I find the site's characteristics would not encourage future visitors to use alternative modes of transport or provide genuine, usable, or practical alternative modes. It is also recognised that the glamping proposal is an activity generally associated with the countryside whilst the proposal may enable guests with an interest to immerse themselves in a farm context. However, there is no substantive evidence before me to demonstrate that tourism of this nature requires the degree of seclusion that the appeal site would provide. As such, the type of tourism accommodation proposed does not justify its inaccessible form of development.
18. I acknowledge that regardless of the location of tourism accommodation, there is limited control as to whether guests will utilise private motor vehicles to make journeys. However, it remains that a site's context will be influential in encouraging the use of sustainable means of transport. In this instance, the appeal site's location and context is such that future users are likely to be highly dependent on the use of private motor vehicles.
19. Accordingly, the proposed development would be in an unsuitable location having regards to the spatial strategy set out in the development plan and national policy. Indeed, it conflicts with Core Policies CP1, CP3, CP4 of the LPP1. It also conflicts with Policy DP9 of the LPP1 which seek to maximise the use of sustainable forms of travel. Similarly, the proposal would not align with the approach in the Framework in respect of promoting walking, cycling and public transport where possible.
20. The Council's decision also refers to Core Policy 2 of the LPP1, however, given the proposal relates to tourism accommodation as opposed to the provision of new housing, I do not consider the policy to be of relevance.

Character and Appearance

21. The appeal site forms part of an existing working farm and is situated alongside several sizeable, modern agricultural buildings. The surrounding landscape is largely characterised by a rather flat or gently undulating landform of agricultural fields and small pockets of woodland. Field patterns are irregular and typically mid-size, frequently bound by mature hedgerows and trees. Sporadic built form also punctures the landscape.
22. The proposed cabin would have a limited height and overall scale, while its use of timber and corrugated metal sheeting would provide an agricultural vernacular fitting of its rural location. It would be clustered near existing agricultural buildings on the site and therefore rather discrete in nature.
23. Given the scale of the proposed development, there is unlikely to be any significant spread of domestic paraphernalia around the site. The proposal would utilise an existing vehicular access, while parking of vehicles would also be within an existing yard area, situated alongside the agricultural buildings.
24. Furthermore, the proposed location for the cabin is well screened from the main public vantage points to the south, through a combination of existing built form and vegetation. Parts of the appeal site command views from the immediate rural landscape. As such, it may be possible to see the proposed development from public vantage points in mid-distanced locations, but the Council has not identified any particularly sensitive viewpoints.
25. The appeal scheme also includes landscaping consisting of the planting of species rich grassland and the planting of trees and hedgerow along part of the site's field boundary. The proposed perimeter landscaping would likely further reduce the limited prominence of the proposed cabin. Adjacent fields are largely demarcated through post and wire fencing, however as noted, mature boundary hedging and trees are a common feature of the wider landscape. As such, I do not consider the landscaping proposals would appear overly formal or at odds with the surrounding landscape.
26. With regard to these matters and the limited scale of development proposed, I find that no harm to the character and appearance of the area would arise. Accordingly, there would not be a conflict with LPP1 Policies DP1, DP4 and DP7. These policies together, amongst other matters, seek to promote high-quality design that maintains local distinctiveness, takes account of its landscape attributes, and is of a scale, form, and layout appropriate to the local context. Likewise, I am satisfied that the proposal would conform with the design aims of the Framework.

Other Matters

27. The appellant has referred to previous planning permissions for tourism accommodation in rural areas that have been approved by the Council. However, I have very limited details of those permissions including their precise site contexts, and their relevant planning histories and therefore cannot draw appropriate comparisons to the appeal scheme.
28. Reference has also been made to the fact that holiday accommodation is already well established nearby at Holt Farm, which forms part of the wider landholding under the appellant's control. I understand that the planning permission (ref: 106060/006) for the holiday accommodation at Holt Farm was

secured around 2005. Again, I do not have the full context details of that permission. However, from the information provided, it appears to have involved the conversion of existing barns, whilst given the historic nature of the permission it would also likely have been determined under a different planning policy context.

29. As such, these other permissions raised by the appellant do not alter my decision, with the appeal scheme having been determined on its own merits.
30. The proposed development would provide socio-economic benefits to the local economy associated with the tourism use and visitor spending. However, given the scale of the proposal such benefits are likely to be limited and do not overcome my above concerns.
31. Whilst the proposal may help to diversify the farm's operations, there is no detailed evidence before me to suggest that the proposal is needed to ensure the continued viability of the farm. The appellant also indicates that the appeal scheme would have a more limited impacts than other methods of diversification or expansion of the farm operations. However, no specific details have been provided to satisfactorily verify this, while it is unclear whether planning permission is in place (or required) for the alternative options that are referred to by the appellant.
32. Both Policy DP5 of the LPP1 and the Framework seek for biodiversity enhancement measures to be incorporated into new development proposals. Accordingly, whilst the proposed development may result in habitat enhancement this does not weigh in favour of the appeal scheme.
33. I note that the Parish Council support the appeal proposal, but support for a development is not a suitable reason to allow unacceptable development.

Conclusion

34. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework's provisions, which outweigh this finding. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR