

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 6 August 2024 at 2.00 pm

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

To: The members of the Planning Committee - East

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

Councillor Adam Boyden
Councillor Dawn Denton
Councillor Susannah Hart
Councillor Helen Kay
Councillor Tony Robbins
Councillor Rob Reed

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

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services – see contact details below.

Requests to speak at the meeting about a planning application must be made to the Democratic Services Team no later than **12 noon on Friday, 2 August 2024** by email to democraticserviceseast@somerset.gov.uk . Further information on the public speaking arrangements at Planning Committee is provided in the Public Guidance Notes near the front of this agenda pack.

The meeting will be recorded and then uploaded to YouTube following the meeting.

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.

Issued by David Clark (the Proper Officer) on Friday 26 July 2024.

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 6 August 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

To approve the minutes from the previous meeting.

Report to follow.

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 democraticserviceseast@somerset.gov.uk by 5pm on Wednesday 31 July 2024.

5 Planning Application 2022/0614/OUT - Land south of Fossefield Road, Fosse Way, Stratton on the Fosse, Shepton Mallet, Somerset (Pages 17 - 78)

To consider an application for outline planning permission for the erection of up to 180 dwellings with all matters reserved except for access

6 Planning Application 2023/2102/VRC - Land at 348250 150158 Brangay Lane, Rodney Stoke, Cheddar, Somerset (Pages 79 - 96)

To consider an application to vary condition 3 (Holiday Accommodation Occupancy) of planning approval 2020/0556/FUL (Erection of two holiday dwellings and associated parking and landscaping and creation of new vehicular access and widening of vehicular passing place) to remove 28 day occupancy.

7 Planning Application 2023/2399/FUL - 3 Balch Road, Wells, Somerset (Pages 97 - 108)

To consider an application for the erection of a 2-bedroom detached dwellinghouse

8 Planning Application 2024/0506/FUL - Tilham Farm, Tilham Lane, Baltonsborough, Glastonbury, Somerset (Pages 109 - 124)

To consider an application for the demolition of an existing barn and erection of a new 4 bed dwelling with detached garage

9 Planning Application 2024/0398/FUL - Land at 375165 154879 Chickwell Lane to Wells Road, Hemington, Frome, Somerset (Pages 125 - 136)

10 Planning Application 2024/0544/CLP - 2 Rambler Court, Street, Somerset (Pages 137 - 144)

To consider an application for a proposed garage conversion to create an office space

11 Planning Application 2023/2188/HSE - Oriel Cottage, 51 Church Lane, Doultong, Shepton Mallet, Somerset (Pages 145 - 156)

To consider an application for the conversion of a barn to ancillary accommodation

12 Planning Application 2023/2189/LBC - Oriel Cottage, 51 Church Lane, Doultong, Shepton Mallet, Somerset (Pages 157 - 166)

To consider a listed building consent application for the conversion of a barn to ancillary accommodation

13 Appeals Report (Pages 167 - 168)

Report on appeal decisions made by the Planning Inspectorate between 1 July and 23 July 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 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 two working days 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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Planning Committee East – 6 August 2024

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Application Number	2022/0614/OUT
Case Officer	Nikki White
Site	Land South Of Fossefield Road Fosse Way Stratton On The Fosse Shepton Mallet Somerset
Date Validated	31 March 2022
Applicant/	J Proyer
Organisation	Persimmon Homes (Wessex)
Application Type	Outline Application
Proposal	Application for outline planning permission for erection of up to 180 dwellings with all matters reserved except for access
Division	Mendip Hills Division
Parish	Kilmersdon Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

Scheme of Delegation:

In accordance with the scheme of delegation, this application must be determined by the Planning Committee. This is because the application relates to 'major' development; and the case officer recommendation is to approve and Kilmersdon Parish Council made objections. The divisional members did not submit comments.

Description of Site, Proposal and Constraints:

The application seeks outline planning permission for up to 180 new dwellings, and access off Fosseyway (A367). Details of appearance, landscaping, layout and scale are reserved for another application.

When the application was first submitted 190 dwellings were proposed. This has subsequently been reduced to 180 dwellings, with public and consultee reconsultation having been undertaken accordingly. Other amendments have been negotiated through the life of the application, which are outlined in the report below. The agent describes these amendments in para 3.9 of the updated Planning Statement thus:

- *'Better integration of the southern spur into main development area by pulling back development further north into main part of site with the south eastern housing parcels now enclosing this open space area to provide natural surveillance and an attractive outlook.'*

- *Enhancements to the accessibility of the southern spur green space, through the creation of a walkable route, in doing so, utilising this green space as an attractive and accessible amenity space for new residents.*
- *Introduction of small informal amenity areas, such as ‘pocket parks’ areas of fruit trees, benching etc.*
- *Strong landscape boundary at southern area of the spur and provision of an informal walking route within this area to create a more useable area of open space.*
- *A tightening of the urban grain with continuous frontages enclosing the central green space, with taller apartment blocks forming a ‘gateway’ into the site.*
- *Frontage parking broken up and large front gardens to allow space for the inclusion of soft landscaping and to reduce the dominance of parking on street scenes.*
- *Enhanced amenity for properties along the northern boundary of the site, with new hedgerow and maintenance corridor incorporated into the design scheme to ensure greater privacy between existing and new residents’ back gardens.’*

Paragraph 3.6 of the submitted Planning Statement describes the development thus:

‘3.6 Although in Outline, key features of the proposed development are summarised as follows:

- *Up to 180 new homes, including affordable housing at 30%.*
- *A mix of house types and sizes, including 2, 3 and 4 bedroom homes, typically of 2 to 2.5 storey, up to a maximum of 3 storeys.*
- *All electric (non-gas) development, including Air Source Heat Pumps, PV solar panels and EV Charging provision.*
- *Access from the A367 for vehicles, cyclists and pedestrians enclosed by gateway apartment blocks.*
- *Central ‘Green Square’ containing Children’s play in the most accessible location at the heart of the scheme in space benefiting from passive surveillance.*
- *An arrangement of streets and spaces soundly based on the principles of townscape and legibility.*
- *Contrasting hard surfaces to denote green square as key space in the development.*
- *Sustainable drainage infrastructure serving to reduce flood risk and support biodiversity.*
- *Generous landscape buffers and enhancements providing an attractive setting for new development.*
- *Recreational footpaths exploring all of the site., including new areas of planting and pedestrian access to the southern spur which provides an large area containing areas of informal play/recreation, pedestrian walking loop and local orchards.*
- *Ecological enhancements and protection and overall net gain in biodiversity.*

- *Existing trees and hedgerows retained.*
- *Space to allow for tree/shrub planting for amenity, wildlife and drainage purposes.*
- *Tree-lined main streets expressing their importance in the street hierarchy.*
- *Dwellings orientated to allow for far-reaching views to the south and east.'*

The site is outside any settlement limits of the Mendip Local Plan area, and adjacent to the settlement of Midsomer Norton in Bath and North East Somerset (BANES) Council area.

The site is within flood zone 1.

The site is subject to the following constraints:

- Consultation zone band C of the Mells Valley Special Area of Conservation (SAC)
- Within the SSSI impact risk zone
- Coal development low risk area
- Listed feature on Fosseway – grade II – ‘Boundary marker on roadside NGR ST 66775276’ (list entry: 1058636)

Procedural Matters:

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.

As this site is not allocated for development, and is outside the development limits, this application represents a departure from the development plan. In accordance with legislative requirements, it has been advertised as such.

The Council has met its obligations in relation to notification and publication of this planning application.

Allocation Status:

This site was previously allocated under policy MN3 of the Mendip District Council Local Plan Part II (LP2). Further to the successful legal challenge of 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.

Regulation 19 consultation is open on the 'Mendip Local Plan Part II (Sites and Policies) 2006 – 2029 Limited Update' and looks to reallocate the dwellings previously allocated under policies MN1, MN2, MN3, NSP1 and BK1. This document does not propose to include the former MN3 site.

As such, the previous allocation for this site (MN3) is no longer in place and the site is 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.

Although some neighbour comments have suggested approval of this application would be contrary to the judicial review order, the application can be determined as an unallocated site under the tilted balance.

Relevant History:

2016/0736/OTA - Outline planning for residential development [151 dwellings]. (All matters reserved) – finally disposed of but recommended for refusal for the following reasons:

1. The site lies in countryside outside the Adopted Local Plan's Settlement Limits for the parts of Midsomer Norton within Mendip District, where development is strictly controlled as a matter of principle in accordance with the plan-led system. Furthermore the proposed development, by reason of its size and extent, would have a significant, harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to policies CP1, CP2 and DP4 of the Adopted Mendip District Local Plan 2006 - 2029 (adopted December 2014) and the advice in the National Planning Policy Framework.
2. In the absence of a suitable Transport Assessment, the submitted information is not sufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal. It has not therefore been demonstrated that the impact of development can be accommodated sustainably and without harm to highway safety, contrary to policy DP9 of the Mendip District Local Plan 2006 - 2029 (adopted December 2014) and the advice in the National Planning Policy Framework.
3. In the absence of suitable planning obligations secured under Section 106 of the Town and Country Planning Act 1990 as amended, the proposal would not make adequate provision for public recreational open space, education, affordable

housing, or a Travel Plan necessary in accordance with policies DP9, DP11, DP16, DP19 of the Mendip District Local Plan 2006 - 2029 (adopted December 2014), and the advice in the National Planning Policy Framework.

2014/0093 – outline application for residential development [151 dwellings] (all matters reserved) refused at Planning Board 24.03.2015 for the following reasons:

1. The site lies in countryside outside the Adopted Local Plan's Settlement Limits for the parts of Midsomer Norton within Mendip District, where development is strictly controlled as a matter of principle in accordance with the plan-led system. Furthermore the proposed development, by reason of its size and extent, would have a significant, harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to policies CP1, CP2 and DP4 of the Adopted Mendip District Local Plan 2006 - 2029 (adopted December 2014) and the advice in the National Planning Policy Framework.

2. In the absence of a suitable Transport Assessment, the submitted information is not sufficient to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal. It has not therefore been demonstrated that the impact of development can be accommodated sustainably and without harm to highway safety, contrary to policy DP9 of the Mendip District Local Plan 2006 - 2029 (adopted December 2014) and the advice in the National Planning Policy Framework.

3. In the absence of suitable planning obligations secured under Section 106 of the Town and Country Planning Act 1990 as amended, the proposal would not make adequate provision for public recreational open space, education, affordable housing, or a Travel Plan necessary in accordance with policies DP9, DP11, DP16, DP19 of the Mendip District Local Plan 2006 - 2029 (adopted December 2014), and the advice in the National Planning Policy Framework.

2013/2264 – outline application for residential development [151 dwellings] (all matters reserved) recommended for refusal by officers and refused at Planning Board 24.03.2015 for the following reasons:

1. The site lies in countryside outside the Adopted Local Plan's Settlement Limits for the parts of Midsomer Norton within Mendip District, where development is strictly controlled as a matter of principle in accordance with the plan-led system. Furthermore the proposed development, by reason of its size and extent, would have a significant, harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to policies CP1, CP2 and DP4 of the

Adopted Mendip District Local Plan 2006 - 2029 (adopted December 2014) and the advice in the National Planning Policy Framework.

2. In the absence of suitable planning obligations secured under Section 106 of the Town and Country Planning Act 1990 as amended, the proposal would not make adequate provision for public recreational open space, or affordable housing necessary in accordance with policies DP11 and DP16 of the Mendip District Local Plan 2006 - 2029 (adopted December 2014), and the advice in the National Planning Policy Framework.

Summary of Comments:

Divisional Members: no comments received

Kilmersdon Parish Council: objection

- Insufficient consultation
- highway safety
- insufficient local infrastructure
- harm to environment and biodiversity
- insufficient local employment opportunities, likely resulting in out commuting

Westfield Parish Council (neighbouring parish council): objection

- Refer to Westfield Neighbourhood Plan
- Insufficient local facilities
- Insufficient local road network capacity

Highways: no objections subject to conditions and obligations (summary of final comments, including informal comments, following scheme amendments and additional information/clarifications)

- The access proposed is directly off the A367, within a 30mph speed limit area. There are 3 recorded Personal Injury Collisions (PICs) within the last 5-year period, all three of these were categorized as 'slight'. Given the details of the PICs they don't suggest that the highway is inherently dangerous.
- The Highway Authority previously made comment on the submitted Transport Assessment, the issues raised therein have been addressed with the submission of an amended report.
- Travel Plan is now acceptable in principle subject to minor required amendments.

- Amended RSA Stage 1 reflects the comments received from the internal audit undertaken by Somerset Council. The designer's response and amendments made to the scheme as a result are welcomed.
- Internal layout - As the internal layout is not being determined at this time no detailed comments are being provided on the submitted indicative layout. Any future application to determine the internal layout will need to be considered the Somerset Council Estate Roads Guidance document.
- Parking - The Highway Authority is content to accept Zone B parking levels in this instance due to the proximity of the site to the services provided within Midsomer Norton.
- Bicycle storage will need to meet Somerset standards.
- Electric vehicle charging will need to meet Somerset standards.

Active Travel England: standing advice applies

Sustainable Travel and Tourism Officer: no comments received.

Somerset Council Waste Services: (summary of all comments)

- Somerset Waste Partnership has concerns regarding the access for collection vehicles within the development. All access roads should be to an adoptable standard and turning space should be adequate for a 26t refuse vehicle. As there are a variety of road types it would be beneficial to confirm that all, including the 'mews' and 'private drives' will be to adoptable standard. A swept path analysis is required to confirm the intended vehicular access, areas for turning/reversing. Please note the maximum reversing distance is 12m.
- If the surfaces labelled 'private drive' will not be adopted then communal collection points will need to be agreed adjacent to the adopted highway for those properties accessed via those drives. Collection points must take into account the maximum distance requirement for storage locations - no further than 30m distance from the property. The distance between point of collection and closest access point for collection vehicle should be no more than 15m for boxes or 2-wheeled containers.
- Space at each property should also be provided to accommodate the containers for weekly collections of dry recyclables and food waste, fortnightly collections of garden waste and 3-weekly collections of refuse. Please see our developers guidance for details of the containers provided to individual properties and for more information regarding our collection requirements about Developers Guidance (somersetwaste.gov.uk).
- Apartment blocks will need to have adequate space for bins and recycling containers for each flat.

Lead Local Flood Authority: no objection (summary of final comments following the submission of additional information and various consultations)

- We are disappointed that the drainage strategy has not been amended as requested due to concerns over communal soakaways in private gardens. However, this is not an aspect that we would wish to maintain an objection on and should this come forward at the next stage we would expect a robust maintenance strategy expanding on that previously provided along with covenants in deeds regarding these features.
- We would like to make the applicant aware that The Building Regulations 2010 Drainage and Waste Disposal paragraph 3.25 sets out that infiltration devices should not be built within 5m of a building or road, and the current plans indicate infiltration features within 5m of buildings and roads.
- Thank you for providing updated calculations for 45% climate change for two of the basins, could we clarify whether further calculations for each basin and each size of soakaways, using the lowest infiltration rate from the closest test pit, or the lowest overall infiltration rate with a 45% climate change figure are to be provided?

Wessex Water: no objections (Sep 2023)

- There are no known Wessex Water Assets within the proposed site boundary.
- Foul drainage - Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis. Developers fund the cost of connecting to the nearest 'size for size' sewer. Capacity is available to accommodate predicated foul flows from the development and a point of discharge has previously been agreed in principle, subject to formal application and approval, to MH ST66539002. This is reflected in the Drainage Strategy, drawing ref SK501, rev P5, dated 25 July 2023, submitted in support of the application. The point of connection to the public network is by application and agreement with Wessex Water.
- Surface water - Wessex Water has no objections to the use of soakaways to capture, store and discharge surface water runoff, as show on the Drainage Strategy, drawing ref SK501, rev P5, dated 25 July 2023. However, we note the LLFA concerns with regards to the extrapolated infiltration data used for the design of the soakaways and infiltration basins.
- The applicant should be aware that if, at reserved matters stage, the use of soakaways proves to be unviable and a connection to the public surface water sewer network is requested, capacity in the network is limited and as such we will need assess the impacts of any additional surface water flows. It is likely that off site reinforcement would be required to accommodate additional surface water flows from this site which may delay the approval of connections.

- Wessex Water will not accept any surface water runoff, land drainage or ground water into the public foul sewer network either directly or indirectly.

Environment Agency: no comments received.

Environmental Protection: no objection subject to conditions

- The proposal has potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. As such an Air Quality Assessment, dated 8 February 2022 (Ref: 521r2) has been submitted that informs the use of good practice control measures would provide suitable mitigation for a development of this size, nature and reduce potential impacts to an acceptable level. Further that during the operational phase potential impacts may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site, however modelling results indicate exhaust emissions were not predicted to be significant.
- With regard to the impact of noise from the local road networks the ambient sound environment is confirmed to be dominated by road traffic noise travelling along the A367 to the west of the site and the B3139 to the south. Consequently, a Noise Impact Assessment, dated 18th February 2021 (Project No 21/450) has been submitted with recommended mitigation measures, where necessary, to comply with the requirements of the PPG: Noise, ProPG and BS8233:2014.

Contaminated Land: no objection

- The application included the following report: Land off Fosseyway, Midsomer Norton. Proposed Residential Development. Geo-Environmental & Geotechnical Assessment by Earth Science Partnership dated February 2022.
- Agree with the recommendations of the report.

Archaeology: no objection subject to condition

- The submitted Addendum to Historic Environment Desk-Based Assessment which includes the results of a geophysical survey concludes that there are potential prehistoric features on the site. These include a possible ring ditch (a ploughed out burial mound or circular hut) and associated ditches. The addendum assesses the significance of these features as of local significance.
- Based on the information supplied it is likely that the archaeology is of local significance and not of such value that it would preclude development. The desk-based assessment and addendum describe a phased process of further assessment

(evaluation) and subsequent mitigation which would involve trial trenching and excavation.

- Recommended conditions to ensure the archaeology on the site is fully recorded: Programme of Works in Accordance with a Written Scheme of Investigation (POW); Archaeology and ensuring completion of works.

Education: no objection subject to obligations (summary of final comments following scheme amendments)

- A proposal of 180 dwellings in this location will generate the following number of pupils for each education type in accordance with the updated pupil yields:
 - Early years - $180 \times 0.1 = 18$ pupils
 - Primary - $180 \times 0.32 = 57.6$ pupils
 - Secondary - $180 \times 0.14 = 25.2$ pupils
 - SEN - $180 \times 0.0046 = 0.828$ pupils
- Education contributions are only required for SEND in this area. However new pupil yield suggests that not as many pupils will be generated and in addition new evidence indicates that the cost to build SEND facilities is lower at £101,215.72 per pupil. Therefore $0.828 \times 101,215.72 = £83,806.62$.
- There is capacity in the local early years, primary and secondary schools, however we will require transport contributions to ensure the children from this development can reach their local secondary school.
- Latest annual cost per pupil for mainstream school transport is £1,437 (index linked).
- The total school transport costs are calculated as follows:
 - $£1,437 \times 25$ pupils = £35,925 per annum
 - $£35,925 \times 5$ years = £179,625.00 total
- For the purpose of the S106 as this is an outline application the contributions will be based on a per dwelling cost as follows;
 - $£83,806.62 / 180 = £465.59$ per dwelling for SEND
 - $£179,625.00 / 180 = £997.92$ per dwelling for transport
- If the number of homes increases or decreases through the submission of reserved matters the education contributions will adjust to the number of homes.
- To ensure that this proposal is acceptable in planning terms we expect these totals to be secured in a S106 to ensure that the infrastructure to support the homes can be in place for the pupils from this development.

NHS Somerset Integrated Care Board (ICB): no objection subject to obligations (Aug 2023, based on updated proposal of 180 dwellings)

- This development is in the catchment of:
 - a. Mendip Country Practice - Church Street, Coleford, Radstock

b. Oakhill Surgery - Shepton Road, Oakhill, Radstock
which has a total capacity for 9,120 patients.

- The current patient list size is 9,529 which is already over capacity by 409 patients (at 104% of capacity).
- Total contribution required £80,045

NHS Royal United Hospital Bath: no objection subject to obligations (Jan 2023, based on original proposal of 190 dwellings)

- £17.15 per dwelling contribution required

Ecology: no objection subject to conditions (summary following additional information and various rounds of consultation)

Bats

- Following bat surveys, at least nine species of bats were recorded including lesser horseshoe and greater horseshoe bats. Lesser horseshoe were found on 28 out of 48 recording nights, and greater horseshoe bats were recorded on four occasions. No features were noted on the site suitable for roosting bats. Boundary hedgerows (with the exception of the new access) would be retained and there will be an approximate 10 m buffer between the development along the southern and eastern boundary hedgerows and an approximate 5m along the western boundary. It is recommended that access is provided into the site away from the southern or eastern boundaries, as these being adjacent to open fields and other suitable hedgerows would otherwise impact the dark connective corridors which should be retained in their entirety and managed correctly.
- Following review of the ecological information submitted along with the Shadow Habitat Regulations Assessment (sHRA), SES has considered the content and measures designed to mitigate the impacts of the proposed development on Mells Valley SAC and 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 conditions/ s106 agreements, some of which will need to be provided at the reserved matters stage.

Dormice

- Insufficient dormice surveys, therefore a precautionary approach is required via condition.

Reptiles

- There is low suitability for reptiles noted within the grass margins including slow worm as the northern boundary borders residential gardens. A mitigation strategy is required to ensure reptiles are protected.

Badgers

- There is no evidence of badger activity on-site, however due to the high mobility of badgers, a pre-commencement condition to complete an update badger survey of the site should be placed upon any planning permission.

Birds

- There is suitability for breeding and wintering birds in particular ground nesting birds such as skylark and lapwing where the habitats would be lost if these species were noted present. A skylark was observed singing over the southern edge of the site which indicates possible breeding behaviour. Fieldfare and redwing have been noted on site which are Schedule 1 birds winter visitors. The site holds suitability for priority species lapwing and grey partridge. In addition, there are records of barn owl within the local area. In the absence of further survey effort, mitigation should be provided for ground nesting birds to mitigate for the loss of suitable arable habitat.

BNG

- The BNG metric should include for the tall herbs and ruderals habitats within the baseline which were noted during the Ecological Appraisal.

Conditions and Informatives

- Recommended conditions: provision of at least 1.53ha of bat mitigation habitat; Construction Environmental Management Plan (CEMP: Biodiversity); Landscape and Ecological Management Plan (LEMP); tree and hedgerow protections; bird nesting; lighting design for bats; reptiles and amphibians construction protection measures; hazel dormice construction protection measures; additional badger survey requirements; and ecological enhancements.
- Recommended informatives: legislation to protect badgers.

Natural England: no objection subject to mitigation (summary of final comments following the submission of additional information)

- The appropriate assessment concludes that it can be ascertained that the proposal will not result in adverse effects on the integrity of any of the sites in question.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Biodiversity and Landscape Officer:

- As outlined in the landscape assessment the development would be most visible from the areas and existing properties to the south and east of the proposed development as the land falls away in this direction. It is likely this development would be more obvious than the planned separate development to the north of this site as the aspect is flatter. If the development was to proceed, the planting of tall trees in strategic areas, and allowing the existing hedges and proposed new hedges and copses to become taller and wider will reduce the view of the development over time.
- The rural character of the area is hedge bound arable and pasture fields on the edge of the urban area. If this site is developed, the following will retain some of the character, provide some screening of the development and make provision for biodiversity of the site:
 - Increase the width and height of existing hedges
 - Manage the hedges for the benefit of wildlife.
 - Use new hedge and tree planting to connect the existing and new hedges and the new copses together. This should be within the site and to the wider countryside to allow species movement.
 - Use native hedge and tree species that reflect the existing natural species that occur in this area.
 - Source British native hedge and tree plants locally and from disease stock.
 - Existing trees that cannot be safely kept, retain at a safe height as standing trunks where possible.
 - Leave dead wood on site or create log piles near the hedges.
 - Retain ivy where safe to do so for bats, small mammals, birds and invertebrates.
 - Include species in the new copses that support dormice
 - Incorporation of groups of swift brick in the houses over 5 meters. Swifts are flying over the new estate to the north of this site.
 - Retain or reinstate in sunny area tall ruderal grass area for reptiles including slow worms
 - Installation of bat and bird boxes
 - Design the SuDs to also benefit of wildlife. If they can retain water during dry periods, they will be valuable for birds, mammals and invertebrates.

- Create a wildlife management plan for the ongoing biodiversity and landscape management of the areas around the houses mentioned above.

Hedges:

- The proposal intends to retain the existing hedges, except for the access point. This will help screen the development and it will also retain the habitat for the species that rely on it for food and shelter.
- Annual autumn/ winter hedge cutting removes the flower buds and therefore the fruit and nuts of the hedgerow, greatly reducing its value for wildlife.
- Allow the hedges to increase in width to least 4 meters to increase their usefulness for wildlife and screening impact on the landscape.
 - Cutting every 3 years to allow the hedge to flower and fruit and increase screening impact.
 - Cut the internal sides and top of the hedges on a 3 year rotation, ideally where only one third of the hedges are cut in any 12 month period to provide a varied hedge structure.
 - The roadside of the hedge may need to continue to be cut annually to prevent encroachment onto the road.

Hazel Dormice:

- The ecological and species appraisal mentions the existing habitat having the potential to support hazel dormice. The creation of new hedge and copse habitats should enhance this by planting the species that support it. Important species are hazel, native honeysuckle and hawthorn. The edge of the copse should be planted with hazel, hawthorn on the sunny edges and allow them to mature and fruit. The honeysuckle can climb through them. A few of the hazels should be coppice every year once they reach about 15 years of age. There is a copse to the southeast of the proposed site. Potentially, with discussion with that land owner an animal crossing bridge could be installed between the two copses to allow better connection of the site with the wider countryside.

Tree Officer: neutral

- The site itself consists of arable land with a strong tree / hedge linear feature alongside the A367 western boundary. Trees are believed to be within the adopted highway (outside of the applicant's control) although they encroach onto the proposal site and pose a constraint. Break in hedgerow on western boundary required for new access.
- Northern boundary adjoins residential properties, some of which have maturing trees close to the boundary with the site. Currently no significant constraints.
- The eastern boundary is mostly native hedgerow, some maturing trees, the hedge is quite sparse in places giving views eastwards towards the adjacent agricultural land and distant views of the landscape eastwards primarily.

- The proposal site narrows significantly towards the southern strip and slopes down towards a minor road, and an agricultural access adjacent to Whitfield Cottages.
- There are no public rights of way that serve the proposal site.
- The majority of trees that could affect / be affected by the indicative proposed layout have been accurately assessed / categorised using the retention values in BS5837:2012.
- Tree Constraints Plan identifies above and below constraints, and at this stage does not include a shade diagram, NB. this could be helpful as an aid in the design process of any proposed development going forward.
- Observation: one notable tree appears to have been mis-identified – T25. is an English Elm, rather than a Lime tree.
- The Tree Survey recognises the value of the significant trees and states that an Arboricultural Impact Assessment and Arboricultural Method Statement to comply with BS5837:2012 is likely to be required once a final design has been produced. This is agreed.
- There are no evergreen trees within the main context of the proposal site and therefore deciduous trees / hedges cannot be considered to be a complete screen / barrier to views into / out of the proposal site.
- The long-term retention and management of the trees / hedgerows / landscaped areas also needs to be considered and a mechanism to secure this identified – at reserved matters stage.
- A comprehensive Tree / Hedge / Landscape / Green Infrastructure / Biodiversity ‘Masterplan’ and management strategy should be provided to comply with national and local policy objectives (NPPF, MDC) and opportunities to provide a wooded area / orchard / tree lined streets (using a design led hierarchy approach) should be submitted for approval for any proposed development (reserved matters). The aspirations of the Forest of Avon Community Forest could provide guidance in the overall place-making design of the proposal site, even if this is not a legal constraint / requirement.

Housing Enabling: no objection subject to legal agreement

- 30% affordable housing is proposed, which would comply with requirements set out in DP11.
- The proposed housing mix has been discussed with housing enabling officers and support in principle has been offered for the mix which now comprises the following;
 - 18 x 1 and 2-bed apartments
 - 21 x 2-bed houses
 - 12 x 3-bed houses
 - 3 x 4-bed houses
 - 54 affordable homes in total

- At reserved matters stage, the layout and design of the affordable housing provision should be well integrated with the open market units. We would welcome early dialogue and discussion with regards to all of the above.

Crime Prevention Officer: no objection

- When considering the illustrative plan as included in the application, and when reading the Design and Access Statement, it is clear that initial decisions have been made to have properties arranged such that they are in essence backing onto each other. From a crime prevention point of view this can be seen as favourable as it reduces the ease of access to side and rear boundaries to properties. It is known that a large proportion of burglaries commence through access to these areas. However this design does highlight other potential issues that will need careful consideration.
- Firstly as the properties on the outer edges will therefore face outwards onto existing hedgerows, with little or no natural surveillance over their frontages or parking spaces, then it is key to take steps to address this. The areas should be illuminated appropriately (I recognise that a lighting plan will be created for the development). Increase any surveillance opportunities from inside the properties by ensuring that the position and number of windows in active rooms are maximised and provide good levels of coverage over these areas.
- Secondly that any gates to rear gardens are positioned as close to being in line with the building frontages as possible.
- I have also seen that on one side a limited amount of properties will have their rear boundaries abutting a maintenance corridor for the existing hedgerow. As mentioned the issues that easy access to rear boundaries create, access to this corridor should be restricted for maintenance reasons only.
- Landscaping and planting needs careful planning. There is balance between the aesthetic appearance, ecological benefits and providing good sight lines to maximise natural surveillance opportunities.
- The proposed pathway down through the dog leg section needs to be as straight as possible and any landscaping kept under a maintenance plan to maximise sight lines. It is recommended that the pathway is at least 3 metres wide to allow people to pass without infringing personal space.
- Welcome the opportunity to offer further advice and guidance if this matter is progressed and look forward to contact from the agent/applicant.

Planning Policy: no comments received.

Bath and North East Somerset Council (BANES): objection (summary following updated information, consultation and discussion)

- The construction of additional housing would worsen the imbalance between jobs and homes and would result in cumulative impacts on key infrastructure.
- Additional transport information is required.
- Should Somerset Council be minded to approval the application, B&NES would ask that the requested financial contributions are secured.
- Biodiversity: Opportunities should be taken to maintain and enhance biodiversity and BANES would be supportive of a proactive approach in this regard.
- All obligations sought from BANES meet the CIL tests.

Education:

- Subject to the children generated by the proposed development not negatively impacting on the ability of any local B&NES resident children to access early years provision and primary school places in the local area, we have no objection to the proposed development. The potential cumulative impact of multiple new housing developments will need to be considered and whilst developments when assessed individually may be deemed to have no negative impact, this may not be the case when multiple developments are being proposed.

Early years:

- The Midsomer Norton area currently has a sufficiency of Early Years childcare provision. It is currently anticipated that if children generated by this proposed development, resident in Somerset, were to seek to access provision within Midsomer Norton, there would be sufficient capacity available to accommodate them. Also, sufficient capacity to not negatively impact on the ability of B&NES children resident in Midsomer Norton to also access provision.

Primary:

- Each local authority is responsible for providing a school place for every child that lives within their boundary that requires a place. The primary age pupil generated by this proposed development would be the responsibility of Somerset Council to accommodate, not B&NES.
- However, due to the close proximity of the proposed development to schools located in B&NES, particularly when compared to most schools located in Somerset that are further away, it is quite possible that children generated by this proposed development may look to access a school place in B&NES in the Midsomer Norton/Westfield area, rather than in Somerset.
- If the primary age pupils calculated to be generated by this proposed development were to seek to access provision within the Midsomer Norton/Westfield area, there is currently projected to be sufficient capacity available to accommodate them. Also, sufficient capacity to not negatively impact on the ability of B&NES children resident in Midsomer Norton/Westfield to also access a primary school place here.

- The current situation of sufficient available capacity can change however, and available school capacity could partially reduce, fill completely or become over-subscribed in the future.
- It should be noted that should primary school places become over-subscribed, the primary mechanism used to give priority when allocating places would be the straight line distance from home to school. In this scenario, it could be that a child living in the proposed development in Somerset could qualify for a place in a primary school in B&NES ahead of a child living in Midsomer Norton/Westfield, regardless of their home Local Authority.
- In summary, the proposed development is not currently anticipated to have a negative impact on primary school provision available for B&NES resident children in the Midsomer Norton/ Westfield area.

Secondary and Sixth Form:

- This proposed development area falls within the catchment area of Writhlington School as the school has a part of its catchment area that extends beyond the Bath and North East Somerset boundary into Somerset. Also located in the Writhlington area is The Mendip Studio School.
- There is currently projected to be sufficient secondary school capacity available at Writhlington Secondary School and The Mendip Studio School to accommodate the 36.1 (7.22 per year group) secondary age pupils and the 7.6 (3.8 per year group) sixth form age pupils calculated to be generated by this proposed development.

Parks and Green Spaces Service:

- A S106 Greenspace contribution of £387,504 is required to meet the unmet requirement for recreational green space generated from an increased population due to this development. This will go towards the provision, improvement and maintenance of off site public green space within Midsomer Norton and Westfield.

Highways:

- The site would be access from the A367 Fosseway, which forms the boundary between Somerset and B&NES authorities. It is understood that Somerset Council maintains the A367 corridor between the site and the roundabout with Charlton Road to the north.
- Somerset Council has commissioned a comprehensive review of the Transport Assessment and the highway modelling, and it is not considered necessary to replicate this work.
- The proposed local pedestrian and cycle connection improvements appear to be limited to a new crossing on the A367 Fosseway within the vicinity of the site. The location of the crossing should be confirmed.

- It is assumed that the highway safety impacts of the development proposals will be comprehensively assessed by Somerset Council. This will need to ensure that all of the network users are provided with safe access to the proposed development site, with priority given to the most vulnerable road users.
- Previous contributions towards the Somer Valley Enterprise Zone cycleway are no longer sought as this has come through other funding streams.
- Active Travel England standing advice has not been adequately considered.
- Concern that A367 / Cobblers Way junction has not been included within the assessment scope, and this junction is known to experience some queuing at peak times. Given the existing traffic congestion that occurs, it is recommended that the impact of the development along the A367 corridor should be assessed as part of the submission.
- A Residential Travel Plan would be required and it is for Somerset Council to agree.
- A Construction Management Plan condition is required to manage local issues.

Relevant BANES policies:

The development plan for Bath and North East Somerset comprises:

- Bath & North East Somerset Core Strategy (July 2014)
- Bath & North East Somerset Placemaking Plan (July 2017)
- West of England Joint Waste Core Strategy (2011)
- Bath & North East Somerset saved Local Plan policies (2007) not replaced by the Core Strategy or the Placemaking Plan:
 - Policy GDS.1 Site allocations and development requirements (policy framework)
 - Policy GDS.1/K2: South West Keynsham (site)
 - Policy GDS.1/NR2: Radstock Railway Land (site)
 - Policy GDS.1/V3: Paulton Printing Factory (site)
 - Policy GDS.1/V8: Former Radford Retail System's Site, Chew Stoke (site)
- Neighbourhood Plans

RELEVANT CORE STRATEGY POLICIES

The following policies of the Core Strategy (2014) are relevant to the proposal:

- SD1: Presumption in favour of sustainable development
- DW1: District wide spatial strategy
- SV1: Somer Valley spatial strategy
- CP2: Sustainable construction
- CP3: Renewable energy
- CP5: Flood risk management
- CP6: Environmental quality
- CP7: Green Infrastructure
- CP10: Housing mix
- CP13: Infrastructure provision

RELEVANT PLACEMAKING PLAN POLICIES

The Placemaking Plan for Bath and North East Somerset was formally adopted by the Council on 13th July 2017. The following policies of the Placemaking Plan are relevant to the proposal:

- D1: General urban design principles
- D2: Local character and distinctiveness
- D3: Urban fabric
- D4: Streets and spaces
- D5: Building design
- D6: Amenity
- D8: Lighting
- D10: Public Realm
- NE1: Development and Green Infrastructure
- NE2: Conserving and enhancing the landscape and landscape character
- NE2A: Landscape setting of settlements
- NE3: Sites, species and habitats
- NE4: Ecosystem services
- NE5: Ecological networks
- NE6: Trees and woodland conservation
- H7: Housing accessibility
- ST1: Promoting sustainable travel
- ST7: Transport requirements for managing development
- SU1: Sustainable drainage
- SCR1: On-site renewable energy requirement
- SCR5: Water efficiency
- LCR3A: Primary school capacity
- LCR9: Increasing the provision of local food growing

The following Supplementary Planning Documents should be considered:

- B&NES Council Planning Obligations SPD

Local Representations:

Objections

32 neighbours have submitted objections, including some who have commented on this application on more than one occasion. The following issues have been raised:

- Unsustainable development – pressure on existing services and facilities; would create additional public spending requirements; brownfield sites must be considered first; lack of local jobs; would promote out-commuting; development of

this site was previously deemed unlawful; other developments in the area have been refused

- Character and appearance – rural encroachment; insufficient gaps between settlements; harm to character of Kilmersdon village and parish; cumulative impact of other residential development in the local area; this development is not needed in BANES; no justification to building homes here; inappropriate for Mendip homes to be built here – should be building on the edge of Mendip towns; council tax would be paid to Somerset but pressure on services in BANES
- Highways – safety; capacity; insufficient assessment of impacts; insufficient public transport; increased traffic would result in harms related to noise, pollution and carbon emissions; traffic calming measures needed locally
- Harm to neighbours’ mental health
- Loss of green fields
- Harm to ecology and biodiversity
- Drainage, flooding and foul capacity concerns
- Economy harms
- Harms outweigh benefits
- Pollution harms
- Loss of agricultural land
- Noise harm
- Harms to trees and hedgerows
- Harm to landscape
- Harm to neighbour amenity including overlooking
- Objections on previously refused applications should be considered

Neural

One neural comment has been received as summarised below:

- Generally support results of ecological surveys, which should be controlled by condition if permission is granted.

Full details of all consultation responses can be found on the Council’s website: [Simple Search \(mendip.gov.uk\)](https://www.mendip.gov.uk/search)

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
- 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 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)
- Relevant policies in BANES, as referred to in the BANES consultation response.
- Creating Places for People, Somerset Council (consultation draft, September 2023)
- 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's Climate Emergency Strategy (2020)
- 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)
- Environment Agency Standing Advice
- Assessment of Special Landscape Features (2012)
- Mendip Landscape Character Assessment (2020)
- Fields in Trust - Guidance for Outdoor Sport and Play (2020)
- Somerset Habitat Evaluation Procedure Methodology (2016)
- Somerset Council's 'Biodiversity Net Gain Guidance Note' (February 2024).
- Somerset Council's 'Nutrient Neutrality in Somerset: Guidance for Applicants, Last Updated: May 2024'
- Standing Advice Note: Active Travel and Sustainable Development, Active Travel England (2024)
- Bat Surveys for Professional Ecologists: Good Practice Guidance, Bat Conservation Trust (2023)

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 LP1 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 CP1 explains that development outside development limits is strictly controlled and only permitted in line with the provisions set out in policy CP4 to meet specifically identified local needs within those communities.

Policy CP4 seeks to sustain rural communities through: planned provision for housing within primary and secondary villages in line with Policy CP1 and 2; identifying and delivering opportunities for affordable housing in line with Policy DP11 and 12; making allowance for occupational dwellings in line with Policy DP13; supporting proposals for the development of the local economy as set out in Policy CP3 and supporting viable schemes which extend the range of community infrastructure. As such the proposal would not meet the provisions of the Policy CP4.

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

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 (the 'tilted balance'). 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.

Whilst developing on brownfield land is preferable, the greenfield nature of the site is not such to warrant 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.

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

Policy DP1 of the Local Plan states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 states that proposals should be of a scale, mass, form, and layout appropriate to 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 on the edge of Midsomer Norton. Residential development is located to the north and west of the site and open countryside is to the east and south.

The proposed development includes an access off Fosseway (A367). Following negotiations, off site highways works include a toucan crossing (traffic light crossing for pedestrians and cyclists) and a pedestrian/cyclist path to the north east of the site, to connect it to the local footpath network. The existing cycle path along Fosseway (A367) is also proposed to be extended.

An indicative masterplan has been submitted. Although this does not form part of the application, this has been submitted by the applicant seeking to demonstrate the proposed quantum of development (180 dwellings and associated works) could be acceptably delivered on the site at reserved matters stage.

The proposal includes an equipped play area (LEAP) (which is shown in a central location on the indicative masterplan and parameter plan). Inclusion of this in the final detailed design can be controlled by legal agreement.

An area of public open space is shown in the south western part of the site, which the applicant refers to as the 'southern spur'. Planting and a circular footpath are proposed in this area. This is shown on both the indicative masterplan and the parameter plan, and this can be controlled via the legal agreement.

The amended indicative masterplan shows a pocket park to the north of this spur, and amended plans have been received showing dwellings could overlook this area to allow for natural surveillance. A further pocket park is shown on the indicative masterplan in the south east corner of the site. Although the location of these pocket parks within the development has not been fixed at this stage, the applicant has committed to their inclusion (which is proposed to be controlled via legal agreement). Further assessment of these pocket parks is outlined in the public open space section of this report below.

Landscaping is also proposed along the western and southern boundaries of the site, which would include a footpath network so would make a further contribution to the public open space provision.

The indicative masterplan shows perimeter blocks in loops or leading to turning areas. Dwellings would face the road with front landscaping. Rear gardens appear broadly sufficiently sized and located within suitable locations. Detailed dwelling designs have not been submitted, and would be subject to consideration as part of a subsequent reserved matters application.

The submitted parameters plan (which is included in the plans list so would form part of any permission) shows the location of the dwellings, access and public open space (including southern spur, boundary space and central area with LEAP).

The outline submission suggests that up to three storey heights would likely come forward, and the applicant has indicated that three storey buildings are likely to come forward near the access. The overall height proposed would broadly be in keeping with surrounding development, including existing housing and larger residential sites on the opposite side of Fossey which have recently been permitted (e.g. 2023/1858/REM for 280 dwellings). Details would be controlled via a reserved matters application.

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 28 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 proposal has not been subject to a design review by the Quality Review Panel. It is suggested that a further reduction in the quantum of development proposed could result in greater opportunities for higher planning outcomes including better integration of the site into its rural context. However, when considered in the overall tilted planning balance (see below) the proposal is concluded to be acceptable in this regard.

Standard conditions are recommended with regard to materials and levels, to ensure the best possible planning outcomes.

It is therefore concluded at this outline stage that the proposal 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.

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 key matters to address are to ensure that the visual impacts are minimised, and any adverse effect is mitigated through an appropriate landscaping scheme. The submission demonstrates that the development would be able to be set back from the boundary trees and include landscape boundary buffers.

A Landscape Visual Impact Assessment (LVIA) has been prepared by WH Landscape. The Landscape and Biodiversity Officer has considered the application and not objected on landscape matters. Various mitigation planting suggestions have been put forward, which can be incorporated at reserved matters stage.

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.

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.

Impact on Residential Amenity:

Policy DP7 of the LP1 states that new development should protect the amenities of neighbouring occupiers 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.

The application submission includes a Design and Access Statement, a Noise Impact Assessment and an Air Quality Assessment. The application has been reviewed by the Environmental Protection (EP) team, and no objections are offered subject to the inclusion of conditions.

In relation to noise, the road presents a noise constraint, which is summarised by the Environmental Protection team thus:

'The Noise Impact Assessment has identified that during the daytime (07:00 – 23:00) the majority of the site is at negligible or low noise risk, with some areas closer to the A367 road at Low/Medium risk. Only areas at less than 15 metres from the road are at Medium noise risk.

Similarly night-time noise (23:00-07:00) the majority of the site is at Low or Low/Medium risk. Areas of the site at less than 40 metres from the road are at Medium risk, with only areas closer than 20 metres to the A367 road at Medium/High noise risk.'

The EP team has confirmed agreement with the conclusions and proposed mitigation measures set out in the submitted Noise Impact Assessment. The reserved matters application will be required to demonstrate reasonable mitigation measures are in place to ensure an appropriate living environment for future occupants, including window designs and higher density fencing in some gardens closer to the road.

The EP team has also confirmed the submitted Air Quality Assessment is acceptable considering the proximity to the road.

Interrelationships between proposed dwellings cannot be assessed at this outline stage, but the submitted indicative masterplan demonstrates that an acceptable scheme can be delivered.

Sufficient distances from existing dwellings can be achieved at reserved matters detailed design stage which would not result in significant harm to neighbour 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.

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 following comments on the conditions recommended by the EP are noted:

- A noise mitigation condition is recommended.
- In order to reduce impacts of during construction, including noise and dust, a construction management plan condition is recommended.
- The construction time condition is recommended to be incorporated in the construction management plan condition.
- The electric vehicle condition recommended by the EP is covered under the highways section, and the standard highways condition is recommended accordingly.
- The lighting condition as recommended by the EP team is covered under the ecology section, with associated condition wording.
- The proposal relates to residential development therefore the recommended condition restricting any amplified sound is not considered necessary.
- Retained conditions recommended by the EP have been reworded as necessary to ensure they meet the national tests for conditions.
- The EP has made various other notes for the applicant to consider during detailed design.

In conclusion on this matter, subject to the inclusion of recommended conditions controlling construction management and noise mitigation, it is concluded that 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.

Ecology:

The site is located within band C of the Mells Valley SAC consultation zone and within the SSSI impact risk zone. The application includes 1.53ha of bat habitat.

Following the submission of additional information, including lighting information, and several rounds of consultation, the Somerset Ecologist has confirmed there are no objections to the proposal, subject to the inclusion of conditions. The conditions as recommended have been amended to meet the tests set out in the NPPF, and reduce the need to submit further details to the local planning authority (e.g. photographs to demonstrate compliance) where appropriate.

Due to the potential impact on the Mells Valley SAC, the applicant has also prepared a shadow Habitat Regulation Assessment (sHRA). This has been endorsed by the Somerset Ecologist and agreed by Natural England.

The following should be noted by way of ecology conditions:

- Provision of at least 1.53ha of bat mitigation habitat condition recommended as per Ecology comments. Minor wording edits added to require details to be submitted at reserved matters, with a further condition likely at reserved matters stage to control the timing of implementation.
- Construction Environmental Management Plan (CEMP: Biodiversity) recommended as per Ecology comments.
- Landscape and Ecological Management Plan (LEMP) recommended as per Ecology comments.
- Tree and hedgerow protections condition – This is required under the tree section of this report and a duplicate condition is not recommended.
- Bird nesting – This is controlled under separate legislation therefore an informative is recommended rather than a condition.
- Lighting design for bats – The sHRA refers to lux levels near the bat habitat area to be lower than 0.5 lux. The Somerset Ecologist has confirmed that updated guidance from the Bat Conservation Trust (Bat Surveys for Professional Ecologists: Good Practice Guidance) on horseshoe bats confirms that this should be 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane. The recommended lighting condition therefore includes these lower lux levels accordingly.
- Reptiles and amphibians construction protection measures – a condition is recommended which would require compliance with the protection measures set out in section 4 (paragraphs 4.13-4.14) of the submitted ecological assessment.
- Hazel dormice construction protection measures – the applicant has concluded that dormice are not present on the site, and therefore the submitted ecological assessment does not include any recommendations in relation to hazel dormice. The Somerset Ecologist has concluded that insufficient survey work has been undertaken therefore a precautionary approach should be taken and a condition. The agent has submitted a statement setting out proposed precautionary construction measures. This does not fully cover the precautionary measures considered necessary by the Somerset Ecologist therefore a condition is recommended requiring the applicant to submit evidence of a Natural England licence to undertake the works, or a statement from a qualified ecologist demonstrating a licence is not required. Subject to the inclusion of this condition, hazel dormice are protected through the proposed development.

- Additional badger survey requirements – as no evidence of badgers was found on site a further condition requiring a further is not necessary, and an informative reminding the applicant of the legal protections afforded to badgers is sufficient.
- Ecological enhancements – a Biodiversity Enhancements and Management Plan (BEMP) condition is recommended which would require agreement of the details and delivery of the proposed ecological enhancements.

Biodiversity Net Gain:

Due to the date this application was submitted, the national requirement to demonstrate 10% biodiversity net gain (BNG) is not applicable to this proposal. There is a requirement to demonstrate some positive BNG, in line with the local plan and the NPPF. Nevertheless, the applicant has submitted a BNG metric and an ecological enhancement plan. Paragraph 3.38 of the Planning Statement confirms the applicant is committed to delivering a minimum of 10% net gain biodiversity net gain. This would be beyond policy requirements, which needs to be weighed in the overall (tilted) planning balance.

A condition is recommended which would see this BNG demonstrated at reserved matters stage.

Overall, it is concluded that the proposed development would not have an adverse impact on bats or other ecology. The proposal accords with policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and part 15 of the National Planning Policy Framework.

Trees and Landscaping:

The site is open arable land with trees and landscaping on the boundaries. There are no TPOs on the site, and the site is outside of any conservation areas – therefore there are no formal protections on any of the trees on the site.

A Tree Survey and Tree Constraints Plan has been prepared by WH Landscape to support the application. This identifies the trees and landscaping on the site, their root protection areas and proposed tree protection measures. Although the majority of the existing trees and hedgerows are to be retained, the proposed access would see some hedgerow removed, and no-dig construction methods incorporated on nearby retained trees. The Tree Officer has considered the application and the submitted Tree Survey and Tree Constraints Plan and not disagreed with its approach or conclusions.

Landscaping is a matter reserved for a later application. Comments from the Biodiversity and Landscape Officer, including suggested species and maintenance approaches can be incorporated at that detailed design stage. Due to the location of the site, generous

landscaping is anticipated, and the indicative masterplan demonstrates this can be achieved.

As such, the application is concluded to be acceptable subject to the inclusion of standard conditions as recommended including hard and soft landscaping, and tree protection measures.

Assessment of Highway Issues:

The application is submitted in outline with details of access to be considered at this stage. A new access is proposed off Fosseway.

Various highway works are proposed to support the development including:

- New toucan crossing on Fosseway (pedestrian and cyclist crossing connecting the site to the west, including Silver Street school).
- Extension of cycle route on Fosseway, with associated signage.
- Pedestrian/cycle path in the north western corner of the site (connecting to the local network).

These measures are recommended to be set out in the legal agreements (S106 and S278).

The Somerset Highway Authority (HA) commissioned WSP to undertake an independent review of the highway capacity modelling work undertaken by the applicant. This raised some queries regarding the methodology used to assess the junction at Charlton Road/ Charlton Lane/ Fosseway. Traffic impacts at the junction A367 / B3139 Wells Road / Fosseway Roundabout were concluded to be acceptable. The site access was concluded to have capacity, although minor discrepancies in the figures were noted.

An updated Transport Assessment has been prepared and the HA has assessed this in-house and confirmed it to be acceptable to demonstrate sufficient highway network capacity.

Highway comments from BANES are noted, including regarding assessment of a further junction to be undertaken. As the Somerset HA has confirmed the application is acceptable in this regard, this is concluded to be sufficient.

The site is on the edge of a main town, with access to key services and facilities. The application is considered to be broadly consistent with the standing advice of Active Travel England. It is noted that the scale of development proposed is below the 250 dwelling threshold to trigger Active Travel England comments. Although further information from the applicant in this regard would have been useful, considering the proposed routes

through the site, and upgrades proposed to connect pedestrians and cyclists to the local network, the proposal is concluded to be acceptable in this regard.

Internal roads, parking and electric vehicle charging would be covered at reserved matters stage, however the application has sufficiently demonstrated that the proposal would likely be able to address necessary standards. Conditions are recommended confirming the information required at reserved matters stage and beyond.

Obligations towards the Somer Valley Enterprise Zone cycleway previously sought by BANES are no longer needed, as alternative funding streams have been secured.

Any internal pathways through the site would be controlled at reserved matters stage. As per the indicative masterplan, a network of paths is expected to come forward, which would be subject to condition to confirm implementation.

Recommended conditions, as agreed with the HA, therefore include:

- Internal road layout agreement of details
- Bicycle storage
- Dwelling access implementation
- Parking and turning areas implementation
- Garages only to be used for domestic purposes
- Electric vehicle charging implementation

Recommended planning obligations include:

- Installation of access – as shown on 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023)
- Installation of new toucan crossing and associated works – as shown on 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023)
- Installation of new pedestrian/cycle access in north western corner of site – as shown on 10871-SK-003 PROPOSED PEDESTRIAN AND CYCLE ACCESS (received 13.06.24)
- Extension of cycle route – as shown on 10871-SK-003 PROPOSED PEDESTRIAN AND CYCLE ACCESS (received 13.06.24) and 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023)

Subject to the inclusion of the conditions and obligations as recommended, this application is concluded to be acceptable in relation to its means of access in accordance with policy DP9 of the adopted Local Plan Part 1 (2014) and part 9 of the National Planning Policy Framework.

Waste:

Comments have been received from the Waste Services team in the council setting out detailed design standards to be addressed at reserved matters stage. Based on the information provided as part of the application, it is concluded that appropriate refuse collection arrangements could be delivered at detailed design stage, including building roads to adoptable standards; reasonable collection distances within private drives; allowing room for refuse vehicles to turn; and communal collection points as needed, including for any flats.

The application has also been considered by the highway authority in relation to waste matters. The proposal is concluded to be acceptable.

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

Housing Mix:

LP1 policy DP14: Housing Type requires a suitable mix of types and sizes of dwellings. As the application is submitted in outline, the housing mix has not been fixed at this stage. Based on the information submitted at this outline stage, it is concluded that a suitable housing mix could be delivered at reserved matters stage 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:

- 18 x 1 and 2-bed apartments
- 21 x 2-bed houses
- 12 x 3-bed houses
- 3 x 4-bed houses
- 54 affordable homes in total

The Housing Enabling Team has confirmed that the proposal is acceptable and would comply with local and national policy requirements. This is recommended to be controlled via the S106 legal agreement.

Impact on the Setting of a Listed Building:

Grade II listed 'MILEPOST AT NGR ST 6545 4995 ON ROADSIDE' is a signpost on the eastern side of Fosseway (A367). There are no proposed changes to this protected feature. There are some other listed buildings, which are referred to in the submitted heritage statement, but these are not in close proximity to the site.

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.

As the listed signpost currently sits in a rural context, and the proposal would create residential development in its vicinity, the proposal is concluded to represent less than substantial harm at the very low end of the scale. This harm would be outweighed by the public benefit of delivering up to 180 new dwellings, and helping the tackle the housing shortfall.

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposal accords with policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Archaeology:

The Somerset Archaeologist has reviewed the submitted Addendum to Historic Environment Desk-Based Assessment which includes the results of a geophysical survey and concludes that there are potential prehistoric features on the site - including a possible ring ditch (a ploughed out burial mound or circular hut) and associated ditches. The addendum assesses the significance of these features as of local significance.

The Somerset Archaeologist has concluded that it is likely that the archaeology is of local significance and not of such value that it would preclude development. The submitted assessment

describes a phased process of further assessment (evaluation) and subsequent mitigation which would involve trial trenching and excavation. This approach is concluded to be acceptable to the Somerset Archaeologist, subject to the inclusion of conditions which are recommended accordingly.

Subject to the inclusion of the conditions as recommended, the application is concluded to be acceptable in relation to impact on archaeology.

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 flood risk terms.

The submitted Design and Access Statement describes the overall drainage approach as follows:

‘5.4.1 Roof water runoff will be conveyed via a network of below ground drainage to rear garde crate soakaways to be infiltrated to ground. Runoff from private driveways will be collected through permeable paving and infiltrated to ground. Runoff from the development’s road network will be conveyed to four infiltration basins to discharge to ground.

5.4.2 Surface water runoff from the development could be collected by a combination of further SuDS systems in the form of rainwater butts, green roof’s, permeable paving systems and swales before being conveyed to the infiltration structures.’

As the application site is greater than 1ha, a Flood Risk Assessment (FRA) with drainage strategy accompanies the submission. Infiltration is proposed to manage surface water. Various sustainable urban drainage systems (SUDS) are proposed as set out in the FRA thus:

‘-Roof water runoff from dwellings would be captured by a combination of rainwater gutters and downpipes that would discharge via a below ground drainage network to rear garden or below soft landscaped areas to crate soakaways to be infiltrated to ground.

- Runoff from parking areas and driveways would be collected using permeable paving systems, which would control and treat surface water runoff from these areas at source. The permeable paving would allow surface water runoff to filter

through a porous surface into a filter zone of sub-base beneath the bedding layer where it could be allowed to infiltrate to ground.

- Where feasible runoff from the development's road network would be collected using swales and filter strips for controlling and treating surface water from roads at source and for providing an additional habitat for local plants and wildlife. Where swales could not be used, surface water runoff from roads would be collected using trapped road gullies.

- The source control systems from the road network would in turn discharge surface water to a new adopted surface water sewer network located in the developments road network.

- The surface water sewers would then discharge into four infiltration basins which would be offered to Wessex Water for adoption.

- All infiltration structures will be designed to infiltrate surface water flows for storm events up to and including 1:100 year events plus a 40% allowance for climate change.'

Following lengthy discussions with the agent on this, various additional information and clarification has been submitted to support this application. Four sets of comments have been received from the Lead Local Flood Authority (LLFA), and comments have also been received from Wessex Water. Although the Environment Agency has been consulted, no comments have been received.

Although the LLFA is not entirely satisfied with the details provided, this is not set out in an objection and it is concluded that a technical solution can be developed at detailed design stage. The LLFA has queried whether the development as shown on the indicative masterplan would be in compliance with building regulations. The applicant has confirmed that they believe building regulations can be achieved. In light of no objection from the LLFA, it is considered that planning permission cannot be withheld on this basis. In the event that building regulations could not be met then the design would have to be revised, and/or the quantum of development reduced.

Agreements with Wessex Water to connect to services are required, which sits outside the planning process. Wessex Water has commented on the application and not set out any objections in this regard.

The LLFA has referred to possible licencing requirements from the Environment Agency. This again sits outside the planning process. Comments from the Environment Agency have been requested but not received. It is the applicant's responsibility to ensure any licencing requirements are met.

As per standard practice, delivery of the SUDS measures is proposed to be controlled via legal agreement. A standard condition is also recommended requiring detailed drainage measures are agreed before development commences.

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.

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. DP16 also requires development to make provision for formal public open space (POS) on the basis of the National Playing Field Association's (NPFA) long standing requirement for 2.4ha of new space per additional 1,000 people. Based on this standard and an average dwelling occupancy of 2.4 persons per dwelling, this equates to approximately 432 people living on site (2.4 persons x 180 dwellings) meaning that the required area of POS, based on the proposed population of the development, would be 1.04ha (2.4ha/1000 x 432). The Design and Access Statement (DAS) submitted with the application states that the site could achieve a total POS area of up to 1.86ha. Whilst the benefit of the on site POS is tempered by their scattered siting and, in parts, by their shape and location, this level of on site provision is considered sufficient to meet the Mendip/Somerset East policy requirement.

In order to secure the ongoing management of the on site public open space is proposed to be secured through the S106 legal agreement.

'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). Whilst the application includes POS on site and a LEAP, it does not include a LAP or MUGA.

Following discussions with the agent, it has been confirmed that the legal agreement will include provision of at least two pocket parks. Each would be an area of at least 200m² and include fruit trees and seating. The location of each of these within the development as well their detailed design would be agreed at a later stage.

As the site is located on the boundary with BANES, future occupiers of the development are likely to use local green spaces within the BANES area. BANES Green Space Strategy 2015 has been considered by the BANES Parks and Recreation Team. Here it is confirmed

that a contribution of £387,504 is agreeable for enhancement and maintenance of greenspace in the local area – Midsomer Norton and Westfield.

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 £387,504 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.

Education:

The Somerset Education Officer has confirmed that the proposed development is anticipated to generate the following number of additional places:

- Early years: 18 pupils
- Primary: 57.6 pupils
- Secondary: 25.2 pupils
- SEN: 0.828 pupils

Although within the Somerset local authority area, it is likely that families would look to secure places within BANES, which are closer to home.

The Education Officer in BANES has confirmed there is likely to be capacity for all levels of education within BANES to accommodate the development. It is noted that capacity is difficult to predict, and there are various other development proposals in this area.

The applicant has agreed a contribution towards school bus services of £179,625, for any pupils attending schools in Somerset.

The Somerset Education Officer has confirmed that a contribution of £83,806.62 towards SEND education is triggered.

Subject to the inclusion of the obligations in the S106 agreement, the proposal is concluded to be acceptable in relation to education.

Healthcare:

Two NHS departments have commented on the application.

Firstly, NHS Somerset Integrated Care Board (ICB), who represent doctor's surgeries in Somerset, has confirmed that the proposal would generate the need for £80,045 in contributions towards future services. This is based on the updated scheme of 180 dwellings.

Secondly, NHS Royal United Hospital Bath, has stated that a contribution of £17.15 per dwelling is required to support hospital provision. These comments are based on the original scheme for 190 dwellings. Although reconsulted, no further comments have been received in relation to the revised scheme for 180 dwellings. Following recent case law, it is the council's position in this case that contributions towards hospital provision do not meet the CIL tests on planning obligations. As such, these obligations are not sought.

In conclusion on this matter, subject to the inclusion of obligations of £80,045 towards local doctor's surgery provision (which has been agreed with the applicant), the application is considered acceptable in relation to healthcare provision.

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.

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.

Para 6.34 of the submitted planning statement confirms the applicant is committed to the following measures:

- ***'Modern methods of construction*** - a key principle adopted in the delivery of sustainable housing on this site will be the use of a 'fabric first' approach. *Persimmon Homes' timber frame manufacturing facility, Space4, is one of the UK's leading producers of precision-engineered construction systems producing timber frames, highly insulated wall panels and roof cassettes which will be used to construct the new homes. This approach will ensure that thermal performance and*

sustainability are embedded within the fabric for the lifetime of the buildings, significantly reducing energy use and in turn energy bills.

- **Air Source Heat Pumps** - *Persimmon Homes is committing to construct this scheme as a 'non-gas' project (with no gas boilers) and so will be providing Air Source Heat Pumps for all new houses within this scheme. Adopting this more sustainable heating solution using renewable energy sources will reduce reliance on fossil fuels.*
- **Solar Power** - *Solar Photovoltaic (PV) panels will also be provided on all new homes within the scheme, contributing to the generation of renewable energy on-site and reducing reliance on traditional grid-supplied energy.*
- **Electric car charging** - *All new homes on the scheme will be supported with electric vehicle (EV) charging infrastructure, which will promote the widespread adoption of electric vehicles, facilitate convenient and accessible charging for residents, and contribute to the transition to a greener transport system.'*

Conditions are recommended to require details of renewable energy are agreed; require solar panels on the roof of each dwelling; and require an air source heat pump (with details on noise) in each dwelling.

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.

Coal:

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.

Contaminated Land:

The application has been supported by a report entitled 'Land off Fosseyway, Midsomer Norton. Proposed Residential Development. Geo-Environmental & Geotechnical Assessment' which was prepared by Earth Science Partnership dated February 2022. This

identifies risks associated with radon (full radon protections required), drainage (infiltration methodologies recommended) and limestone solutions (investigations required).

The Contaminated Land Officer has considered this report and agreed with the recommendations contained within it. Further discussions with the Contaminated Land Officer have confirmed that no conditions are necessary as the issues identified are sufficiently covered by building regulations (e.g. radon) or other parts of the assessment (e.g. drainage).

The application is concluded to be acceptable in this regard.

Environmental Impact Assessment:

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

Equalities Act:

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

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%):
 - 18 x 1 and 2-bed apartments
 - 21 x 2-bed houses

- 12 x 3-bed houses
- 3 x 4-bed houses
- 54 affordable homes in total
- Highways works:
 - New access
 - New toucan crossing on Fosseyway
 - Extension of cycle route on Fosseyway, with associated signage
 - Pedestrian/cycle path in the north western corner of the site
- Travel plan
- School bus services - £179,625.
- SEND education - £83,806.62
- Management company including maintenance of communal areas
- Programme of implementation and compliance
- SUDS delivery and maintenance
- Contributions towards local healthcare services - £80,045
- Public open space:
 - Delivery and maintenance all public open space
 - At least 1.86ha of public open space in total
 - Public open space to include a LEAP
 - Public open space to include at least two pocket parks. Each pocket park would be an area of at least 200m² and include fruit trees and seating.

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

BANES Planning Obligations:

- Off site public green space within Midsomer Norton and Westfield - £387,504

If the application is approved these matters can be secured via S106 legal agreement.

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).

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.

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 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.

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 up to 180 homes, including 54 affordable homes, 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 (including play park and two pocket parks), carbon reduction measures (including solar panels and air source heat pumps) and ecological enhancements above Somerset Council's policy requirements are also provided.

The proposals have been developed to achieve a sustainable extension to Midsomer Norton. 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 be 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 11d of the NPPF, 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. Reserved Matters (Pre-Commencement)

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

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

2. Reserved Matters Time Limit (Compliance)

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

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

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

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

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

4. **Plans List (Compliance)**

The development shall be carried out in accordance with the following drawings/documents:

1001 - SITE LOCATION PLAN - 08.03.2022

10871-SK-001C - SITE ACCESS LAYOUT GENERAL ARRANGEMENT - 15.12.2023

10871-SK-003 - PROPOSED PEDESTRIAN AND CYCLE ACCESS - 13.06.24

3501A - DEVELOPMENT PARAMETERS - 20.02.2024

SK501 P5 - DRAINAGE STRATEGY - 26.07.2023

SK502 P2 - TYPICAL SECTIONS & INFILTRATION FEATURES - 26.07.2023

WILDLIFE PROTECTION PLAN - 26.07.2023

WHL-1358-07 C - LANDCAPE STRATEGY - 26.07.2023

3026-D-01 C and 3026-D-02 C - PROPOSED EXTERIOR LIGHTING AND ILLUMINACE LAYOUT - 20.02.2024

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

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

No construction above slab level 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).

6. **Ground and Floor Levels (Reserved Matters)**

The reserved matters application shall include details of the existing and proposed ground and floor levels for approval in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

7. Construction Management Plan (Pre-Commencement)

No development shall take place, including ground clearance and vegetation removal, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan 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 including a plan showing the onsite parking arrangements
 - d) loading and unloading of plant and 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) on-site turning facility for delivery vehicles and egress onto highway only with guidance of a trained banksman
 - l) measures to avoid traffic congestion impacting upon the strategic road network.
- The development shall thereafter be constructed in accordance with the approved Construction 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.

8. Noise Assessment and Mitigation Scheme (Reserved Matters)

The reserved matters application will include a Noise Assessment and Mitigation Scheme for the written approval by the local planning authority. The Noise Assessment and Mitigation Scheme shall detail the noise impacts and mitigation methods (including in outdoor amenity areas) and demonstrate acceptable noise levels will be achieved. No individual dwelling shall be occupied until its agreed noise mitigation is fully installed and operational. All noise mitigation measures shall be retained in perpetuity.

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

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

The development hereby approved (including demolition, ground works, and vegetation clearance) shall be carried out in strict accordance with the recommendations set out in the section 4 of the approved 'Ecological Appraisal and Protected Species Survey of Land South-East of A367, Midsomer Norton' (reference P1148.001, received 09 Nov 2023). The Ecological Appraisal shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

10. **On Site Bat Habitat (Reserved Matters)**

The reserved matters application will demonstrate that a minimum habitat enhancement area of 1.53ha suitable for and accessible to greater horseshoe bats will be provided within the application site including:

- o The location of the bat mitigation
- o The layout of the bat mitigation
- o A detailed planting schedule for the habitat.

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 the National Planning Policy Framework.

11. **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 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), including nesting birds (including ground nesting birds) habitat clearance measures, badgers buffer zones etc and pollution prevention controls.

- 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. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible prior to works commencing on site. 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.

12. **Landscape and Ecological Management Plan (LEMP) (Pre-Commencement)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.
- i) Maintenance arrangements for the on site bat mitigation habitat.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan.

13. **Lighting Design for Bats (Reserved Matters)**

At the reserved matters stage, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023) shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats. Motion-sensors with a short-duration timer (up to 10 minutes) shall be incorporated where external lighting is required. All external lighting shall be installed and maintained in accordance with the specifications and locations set out in the approved Lighting Design for Bats. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

14. **Biodiversity Enhancements and Management Plan (BEMP) (Reserved Matters)**

The reserved matters application shall include a Biodiversity Enhancement and Management Plan (BEMP) to be approved in writing by the Local Planning Authority. The BEMP shall include the following which will also be identified on a plan to be submitted to and agreed by the Local Planning Authority:

- a) Accessible hedgehog holes, measuring 13cm x 13cm, in all new fencing.
- b) All new shrubs must be high nectar producing.
- c) 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.
- d) All hedgerows will be managed at a minimum height and width of two meters, with a minimum of six individual trees allowed to mature.
- e) One barn box to be erected on a suitable tree.
- f) A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the west elevations of 10% of dwellings.

- g) Two Schwegler 1SP Sparrow terraces or similar at least one metre apart directly under the eaves and away from windows on the north elevations on 20% of dwellings.
 - h) Installation of eight Kent bat boxes, purchased or built, on to mature trees on site, facing south or west, at a height above 3m.
 - i) A minimum of four Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees.
 - j) A minimum of four 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.
 - k) A minimum of two log piles for hibernating common reptiles/ amphibians to be created within the hedgerow boundaries.
 - l) A timescale for delivery of all the ecological enhancements.
- All biodiversity enhancements shall be installed in accordance with the agreed timescales and retained and maintained in perpetuity.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in the National Planning Policy Framework and Mendip Local Plan: DP5.

15. **Hazel Dormice (Pre-Commencement)**

No development shall commence, including ground clearance and vegetation removal, until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) A statement in writing from the licensed ecologist to the effect that he/she does not consider that the specified development will require a licence.

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

16. **Biodiversity Net Gain (Reserved Matters)**

The reserved matters application shall include a Statement of Biodiversity Net Gain demonstrating that at least 10% biodiversity net gain will be achieved.

Reason: To provide biodiversity net gain in accordance with policy DP5 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.

17. **Hard and Soft Landscaping (Reserved Matters)**

The reserved matters application shall include a hard and soft landscape scheme to be approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) details of boundary treatments, including any walls, bunds, and/or fences,
- (c) surfacing materials (including parking, turning, roadways, drives, patios and paths)
- (d) any retained planting
- (e) a detailed programme of implementation.

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

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

18. **Tree Protection Plan (Reserved Matters)**

The reserved matters application shall include 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. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan shall 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, including ground clearance and vegetation removal, 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 DP1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

19. Internal Road Layout (Bespoke Trigger)

No development on the elements listed below shall commence until plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction have been submitted to the Local Planning Authority including:

- a) estate roads
- b) footways
- c) tactile paving
- d) cycleways
- e) sewers
- f) retaining walls
- g) service routes
- h) vehicle overhang margins
- i) visibility splays
- j) carriageway gradients
- k) drive gradients
- l) car, motorcycle and cycle parking
- m) hard and soft structural landscape areas
- n) pedestrian and cycle routes and associated vehicular accesses and crossings
- o) means of enclosure and boundary treatment
- p) street lighting and street furniture
- q) all new junctions
- r) proposed levels
- s) highway drainage
- t) swept path analysis for a vehicle of 10.4m (3-axle) length
- u) central pedestrian reserves, bollards and lighting
- v) service corridors

Once approved the construction of the development shall be carried out in accordance with the agreed details prior to first occupation of the development, or if agreed to be brought forward as a phased development, prior to first occupation of each relevant phase.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006- 2029 (Adopted 2014). This is a condition precedent because any initial construction works could have a detrimental effect on highway safety and residential amenity.

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

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

21. **Dwelling Access, Parking and Turning (Pre Occupation)**

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

Reason: To ensure that the development is served by an adequate means of access, parking and turning in accordance with policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

22. **Garages (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the use of any garage as part of this development shall not be used other than for domestic storage and the parking of domestic vehicles; and not further ancillary residential accommodation, business use or any other purpose whatsoever.

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).

23. **Electric Vehicle Charging (Reserved Matters)**

The reserved matters application will demonstrate that each dwelling will be served by at least 1no. active electric vehicle charging point in line with the requirements set out in the 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. No dwelling shall be occupied until it is served by electric vehicle charging facilities in line with the approved details. 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), Somerset's Climate Emergency Strategy, 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 Development Policy 7 (adopted March 2022).

24. **Access (Compliance)**

The vehicular access hereby approved shall not be brought into use until it has been constructed in accordance with drawing 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023). Once constructed the access shall be maintained thereafter in that condition in perpetuity.

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

25. **Visibility Splay (Pre-Occupation Compliance)**

No occupation shall commence until the visibility splay shown on drawing 10871-SK-001C SITE ACCESS LAYOUT GENERAL ARRANGEMENT (received 15.12.2023) has been provided. There shall be no on-site obstruction exceeding 300mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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

26. **Storage of recycling and waste (Reserved Matters)**

The reserved matters application shall include details for the storage of recycling and waste. No individual dwelling shall thereafter be occupied until provision for its storage of recycling and waste containers has been made within the site in accordance with the approved details.

Reason: In the interests of residential amenity, highway safety and sustainable development in accordance policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the NPPF.

27. **Programme of Works in Accordance with a Written Scheme of Investigation (POW) (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.

28. **Archaeology and Ensuring Completion of Works (Pre-Occupation Compliance)**

No dwelling shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

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.

29. **Surface Water Drainage System (Pre-Commencement)**

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

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

prejudice the surface water drainage strategy.

30. Renewable Energy Statement (Compliance)

The reserved matters application shall include a Renewable Energy Statement in broad compliance with the recommendations set out in paragraph 6.34 of the 'Updated Planning Statement' prepared by Blue Fox Planning (received 26.07.2023) detailing all renewable energy measures.

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).

31. 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).

32. Air Source Heat Pumps (Pre-Occupation)

No individual dwelling shall be occupied until it is served by an operational air source heat pump in accordance with details which have been first 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).

33. Water Efficiency - Rainwater Harvesting (Pre-Occupation Compliance)

No individual dwelling 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)

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. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
5. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
6. 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/>
7. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
8. 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

9. 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.

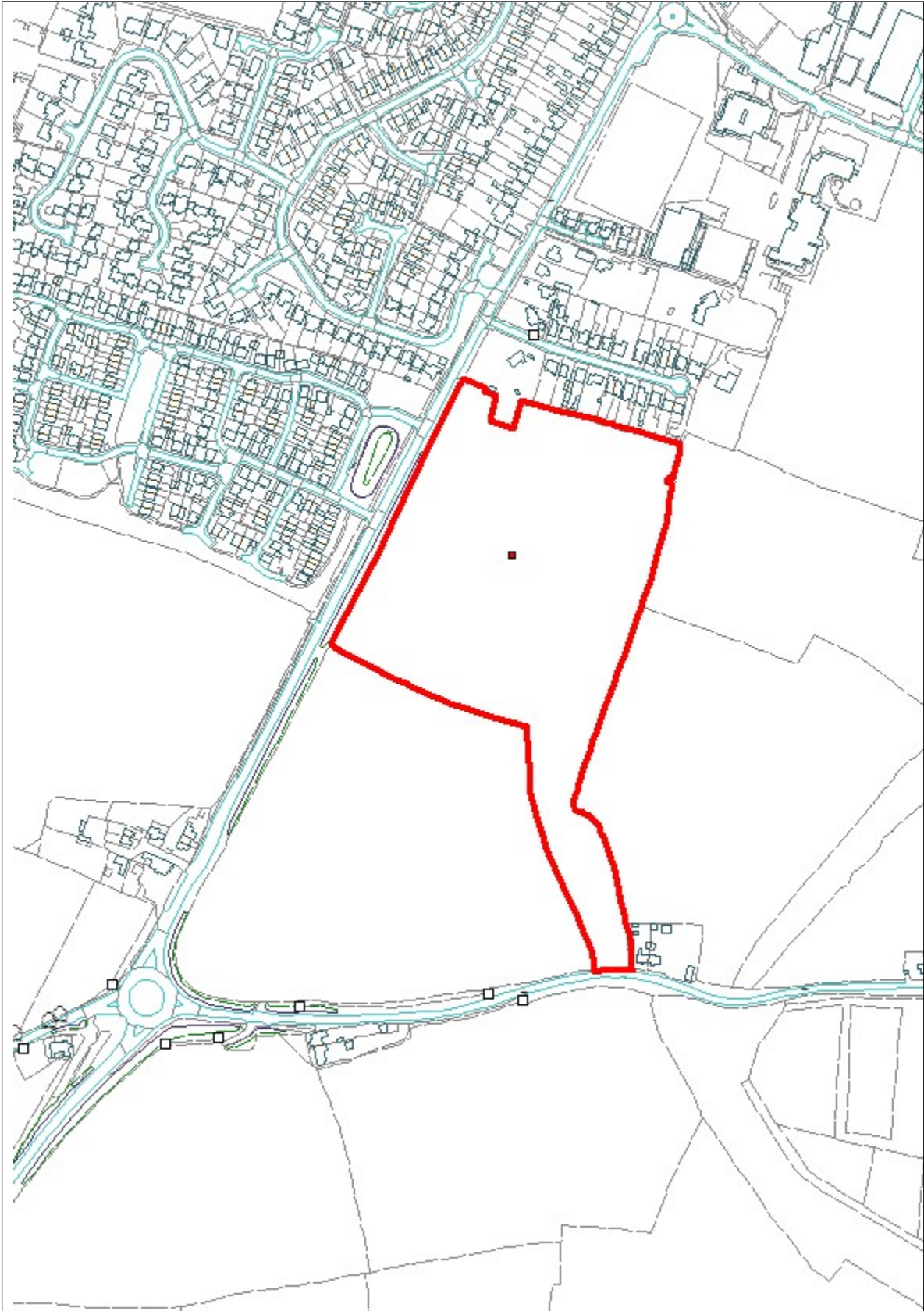
10. **Legal Protection Afforded to Badgers**

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. **Legal Protection Afforded to Dormice**

The developers are reminded of the legal protection afforded to dormice under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that dormice are encountered during implementation of this permission it is recommended that works stop immediately, and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

12. This decision has been informed by the Design and Access Statement and Indicative Masterplan submitted with the application.



Planning Board Report 6th August 2024
Land South Of Fossefield Road
Fosse Way
Stratton On The Fosse
Shepton Mallet
Somerset

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Agenda Item 6

Application Number	2023/2102/VRC
Case Officer	Kelly Pritchard
Site	Land At 348250 150158 Brangay Lane Rodney Stoke Cheddar Somerset
Date Validated	3 November 2023
Applicant/ Organisation	Mr J Counsell
Application Type	Variation or Removal of Conditions
Proposal	Application to vary condition 3 (Holiday Accommodation Occupancy) of planning approval 2020/0556/FUL (Erection of two holiday dwellings and associated parking and landscaping and creation of new vehicular access and widening of vehicular passing place.) to remove 28 day occupancy.
Division	Mendip West Division
Parish	Rodney Stoke Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Heather Shearer Cllr Ros Wyke

What Three Words: masses.stocked.agent

Referral to Planning Committee:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to approve with conditions, and the Parish Council recommended refusal and the Divisional Member did not submit comment. Following consultation the Chairman has requested that this application is considered by the Planning Committee.

Description of Site, Proposal and Constraints:

The site is on the opposite side of Butts Lane to the touring caravan site at the Rodney Stoke Inn and approximately 170m south of the A371 Wells Road. Brangay Farm is located to the northwest and a property known as Little Nook is to the north east.

Brangay Lane is a narrow unclassified no through road with a 30mph speed limit which leads to Brangay Farm, Butts Lane is a single width rural road. Butts Lane is an unclassified road also subject to a 30mph speed limit and it has a junction with the A371 Wells Road to the northeast and another with Stoke Street to the south. The site has three road frontages and there is an existing field gate access onto Butts Lane close to the

junction where Brangay Lane meets Butts Lane. Ground levels fall to the west and south. The highest point of the site is at the entrance.

The site is located outside the settlement limits as defined by Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP) and a bat consultation zone. There is a public footpath which runs along Butts Lane and goes around the application site on its northeast and northwest boundary. The site is not within the area of outstanding natural beauty (AONB), but this designated area is on the northern side of the A371.

Planning permission, 2020/0556/FUL, was granted for the erection of two, two-bedroom holiday lets located to the north edge of the field, the creation of a new vehicular access and widening of vehicular passing place in Butts Lane. This application had pre-commencement conditions and was subject to a unilateral undertaking concerning ecological mitigation and enhancements.

Condition 3 on the 2020/0556/FUL application reads;

The development hereby approved is for holiday let use only and shall not be occupied other than for purposes of holiday accommodation and shall not be occupied as a person's sole or main place of residence or main place of residence or occupied by the same person for more than 28 days in any calendar year. An up-to-date register of all occupiers on the site (including their main home address), shall be maintained and this information shall be made available at all reasonable times to the Local Planning Authority.

Reason: Permission has only been granted in a location where isolated new dwellings would not otherwise normally be permitted because the development would result in economic benefits from the provision of holiday accommodation in accordance with Policies CP1, CP3 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

The current application only seeks the amendment of the condition to remove the 28 day limitation of occupancy, whilst achieving its original purpose to restrict occupation to holiday use only.

Relevant History:

- 2020/0556/FUL - Erection of two holiday dwellings and associated parking and landscaping and creation of new vehicular access and widening of vehicular passing place. Approval. 26.07.23
- 2023/2146/APP - Application for approval of details reserved by conditions 6 (Construction Traffic Management Plan) and 16 (Construction Ecological

Environmental Management Plan) on planning consent 2020/0556/FUL. Approval.
18.12.23

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

Divisional Member: No comments received.

Rodney Stoke Parish Council: Refusal.

- These buildings need to say as holiday accommodation.
- If the condition is changed it will be unenforceable.
- Highway safety.

Highways Development Officer: Standing advice and see previous comments.

Note: It is assumed that the Highway comments 'see previous comments' is in reference to the originally consented scheme, 2020/0556/FUL, where they had no objection subject to conditions.

Environmental Protection: No objection.

County Ecologist: No comments received relevant to this application.

Natural England: No response received.

Local Representations:

We received nine objections to the amendment and their comments are summarised below;

- Removing the reference to 28 days in the condition would result in permanent residency which would result in greater impact on the sewage system.
- Highway safety issues.
- Drainage and flooding issues.

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 (Spatial Strategy)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage)
- 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)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- 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)
- Mendip Hills AONB Management Plan 2019-2024

Assessment of relevant issues:

Principle of the Use:

The principle of the development has already been established by the planning history, 2020/0556/FUL where there is an extant permission for two holiday lodges whose occupation is restricted by a planning condition see above.

This application does not seek to remove this condition it merely seeks to amend its wording, to remove the 28 day limitation of occupancy, whilst achieving its original purpose to restrict occupation to holiday use only. It does not seek any other changes to the consented development.

The applicants reasoning for change to wording is that it is inconsistent with other similar approvals in the area and that it therefore currently places the applicant at an economic disadvantage.

Since the decision on the original permission, there have been a number of appeal decisions with holiday let conditions which do not specify 28 days. In light of updates, reflection of best practice and in the interests of consistency across the authority, it is considered the appropriate rewording the condition will still achieve the original purpose and complies with the conditions tests.

The condition to be imposed on this revised application will read as follows;

Holiday Accommodation Occupancy (Compliance)

a) The holiday accommodation hereby approved shall be occupied for holiday purposes only and

shall not be occupied as a person's sole or main residence.

b) The site operators and/or owners shall maintain an up to date register of the names of all

owners/occupiers, including their guests, and evidence of their main home addresses, and shall make this

information available at all reasonable times to the local planning authority.

Reason: Permission has only been granted in a location where isolated new dwellings would not

otherwise normally be permitted because the development would result in economic benefits from the

provision of holiday accommodation in accordance with Policies CP1, CP3 and CP4 of the Mendip

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

The consented application 2020/1556/FUL was subject to a Unilateral Undertaking (UU) to secure a landscape and ecological management plan and if this variation to the wording of the planning condition is approved the UU will be carried forward to this approval and will be equally as relevant.

This application does not seek any other changes to the consented development. We have received comments of concern about the proposal, as set out in the summary of the consultation responses above. However, the previous application found issues of highway safety and drainage acceptable and the variation to the condition is not considered to exacerbate these issues. As such, these issues, and issues of design etc. will not be discussed further in this report.

The local planning authority has to determine the application on its merits and future uses are not a material planning consideration.

As such this application is recommended for approval.

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:

Having regard for the above, the proposed amended wording of the holiday accommodation condition as set out in this report is considered acceptable and meets the planning condition tests whilst achieving its original purpose of restricting the occupation of the buildings in compliance with Policies CP1, CP3 and CP4 of the development plan.

Recommendation

Approval

Conditions

1. **Standard Time Limit Section 73 - Variation of Condition (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 2020/0556/FUL dated 26.07.23.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

2. **Plans List (Compliance)**

This decision relates to the following drawings: PL4081/1, PL4081/3 received 10.03.20, PL4081/9C, PL4081/8C, PL4081/7C, PL4081/6C, PL4081/5C, PL4081/4C received 02.11.21, PL4081/10D received 25.05.22, PL4081/2E received 09.06.22, and Rural Land Register Map received 06.07.22.

In addition, the approved Construction Traffic Management Plan and Construction Ecological Environmental Management Plan details approved 18.12.23 as part of application 2023/2146/APP.

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

3. **Holiday Accommodation Occupancy (Compliance)**

a) The holiday accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.

b) The site operators and/or owners shall maintain an up to date register of the names of all owners/occupiers, including their guests, and evidence of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: Permission has only been granted in a location where isolated new dwellings would not otherwise normally be permitted because the development would result in economic benefits from the provision of holiday accommodation in accordance with Policies CP1, CP3 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that

Order with or without modification) no extension, external alteration or enlargement of the holiday lets including alterations to the roof or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area and in the interests of safeguarding biodiversity and ecology in accordance with Development Policies 1, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

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

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the surrounding area and in the interests of safeguarding biodiversity and ecology in accordance with Development Policies 1, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Construction Traffic Management Plan (Compliance)**

The development hereby approved shall be constructed in accordance with the approved Construction Traffic Management Plan which was approved on 18.12.23 as part of application 2023/2146/APP.

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).

7. **Vehicular Access (Pre- Occupation)**

Prior to occupation the holiday lets the new vehicular access hereby approved shall be constructed in accordance with the details shown on drawing number PL4081/2E. The vehicular access shall thereafter be permanently retained in accordance with the approved plans.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy &

Policies 2006-2029 (Adopted 2014).

8. **Passing bay (Pre-occupation)**

No occupation of the development shall commence until the passing bay shown on drawing numbers PL4081/10D and PL4081/2E has been completed in accordance with the approved details. The passing bay shall be kept clear of obstruction and available for use as a passing bay at all times.

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

9. **Bound/Compacted Vehicle Access (Pre-occupation)**

Notwithstanding the details submitted, no occupation shall commence until the approved vehicular access has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for the first 6 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

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

10. **Parking and Turning Space (Pre-occupation)**

No occupation of the development shall commence until the parking and turning space shown on drawing number PL4081/2E has been completed in accordance with the approved details. The parking and turning space shall be kept clear of obstruction and available for use as parking and turning space at all times in connection with the development permitted.

Reason: To ensure that adequate on site parking provision and so that vehicles can enter and leave the site in a forward gear in the interests of highways safety in accordance with Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Electric Charging Points (Pre-occupation)**

Prior to occupation of the development hereby approved, a scheme showing full details of the number and location of charging points for plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development, along with a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These details should be in accordance with the Somerset Parking Strategy and the Somerset County Council

Electric Vehicle Charging Strategy. Thereafter the development shall be carried out in accordance with the approved details and timetable.

Reason: To support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Policy DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No occupation of the development shall commence until the visibility splay shown on drawing number PL4081/2E has been provided. There shall be no obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

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

13. **Closure of Existing Vehicular Access (Bespoke Trigger)**

Within two months of first occupation of the development hereby approved the existing vehicular access onto Butts Lane as shown on drawing PL4081/3 shall be stopped up, its use permanently abandoned and the vegetation reinstated in accordance with the details shown on drawing number PL4081/2E.

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

14. **Flooding - Surface water drainage incl. Infiltration Testing (Pre-occupation)**

No occupation shall commence until a scheme of surface water drainage has been installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the results of infiltration testing, along with details of groundwater levels and soakaway design, in accordance with Building regulations Part H, to verify whether or not soakaways will be suitable for the development. If so, the submitted scheme of surface water drainage shall provide details of the soakaways to be installed. If the infiltration test results or ground water levels demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be detailed and justified instead. Once installed, the approved scheme shall be retained for the life of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed

and in the interests of flood risk management in accordance with Policy DP7, DP8 and DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Materials (Compliance)**

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

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

16. **Construction Ecological Environmental Management Plan (CEEMP) (Biodiversity) (Compliance)**

The development hereby approved shall be carried out in accordance with the CEEMP details submitted and approved on 18.12.23 as part of application 2023/2146/APP unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species and nesting birds. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 and DP6 of the Mendip Local Plan Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework.

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

Notwithstanding the details submitted, 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, and will not cause harmful light pollution in the countryside. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and protecting the character and appearance of the countryside in accordance with Development Policies 1, 4, 5, 6, 7, and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

18. **Details of Glazing (Bespoke Trigger)**

Prior to construction above damp-proof course level, a specification of the glazing on all elevations of both units, which include measures to limit light spillage so that light levels do not adversely disturb bats and other species, shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall thereafter be installed and maintained in perpetuity in accordance with the agreed specifications.

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

19. **Bird Strike (Bespoke Trigger)**

Prior to construction above damp proof course level, a specification of the glazing on all elevations of both units, which include measures to reduce the risk of bird strike shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall thereafter be installed and maintained in perpetuity in accordance with the agreed specifications.

Reason: In the interests of priority bird species listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with policy DP5 of the Mendip Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

20. **Soft Landscaping (Pre-occupation)**

No occupation shall commence 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 to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation. 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.

Reason: To ensure the provision of an appropriate landscape setting to the development and in the interests of the integrity of UK protected species and habitats in accordance with Development Policies 1, 4, 5, 6 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. **Condition Categories**

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

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

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

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

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

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

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

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

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning

Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>
5. Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that to secure the construction of highway works necessary as part of this development you will require an appropriate licence or a suitable legal agreement with the Highway Authority to secure the construction of highway works necessary. For details of the process and to submit applications online please visit www.somerset.gov.uk. Application for such a permit/permission should be made at least four weeks before access works are intended to commence.
6. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. The developer should, therefore, intercept such water and convey it to a suitably sized soakaway on land within their ownership.

Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

7. There is a public right of way which is adjacent to the site and this should not be stopped up or diverted or temporarily closed without the necessary permission from Somerset Rights of Way.

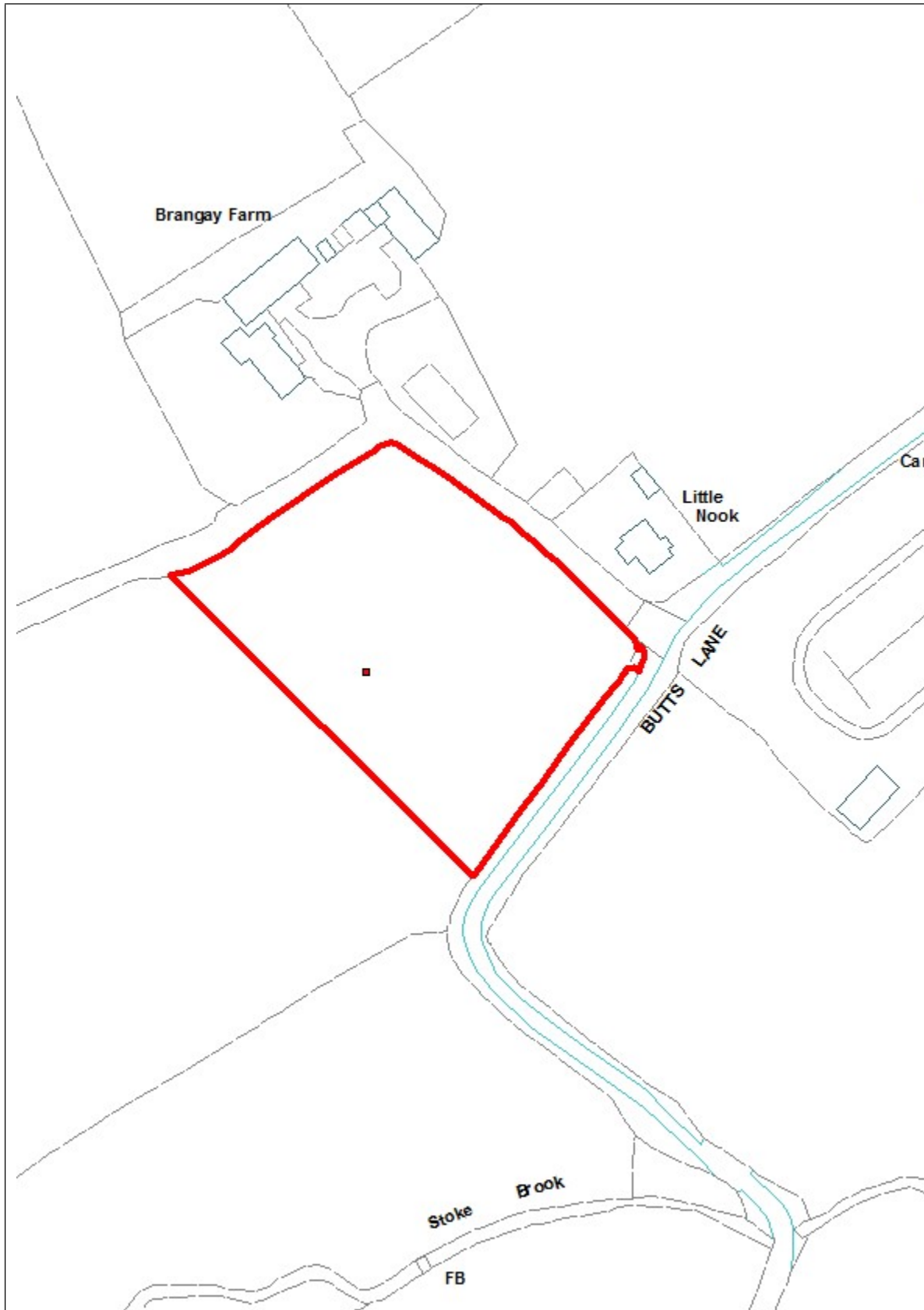
If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- 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/> .

8. In order to satisfy a "lighting design for bats" as described by condition 18 (external lighting) of this permission, the following information will need to be provided.
 - a. Identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging.
 - b. Show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels accords with Step 5 of Guidance Note 08/18 Bats and artificial lighting in the UK) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent greater horseshoe bats using their territory or having access to their breeding sites and resting places. The design will also include any amenity and or security lighting where needed.
 - c. Show the use of shields and other methods of reducing light spill (such as the installation of physical barriers) to prevent light spill.
9. The agreement under Section 106 of the Town and Country Planning Act 1990 which accompanied planning consent 2020/0556/FUL equally applies to this Section 73 approval and it should be read in conjunction with this approval.

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Planning Board Report 6th August 2024
Land At 348250 150158
Brangay Lane
Rodney Stoke
Cheddar
Somerset

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Application Number	2023/2399/FUL
Case Officer	Kelly Pritchard
Site	3 Balch Road Wells Somerset BA5 2BY
Date Validated	12 December 2023
Applicant/ Organisation	Mr. Jack Pidgeon
Application Type	Full Application
Proposal	Erection of 2-bedroom detached dwellinghouse. (amended plans received 20.05.24)
Division	Wells Division
Parish	Wells City Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Theo Butt Philip Cllr Tessa Munt

What Three Words: scorched.magazine.record

Referral to Planning Committee:

In accordance with the scheme of delegation, this application was referred to the Chair and Vice-Chair of the Planning Committee as the case officer recommendation is to refuse, the Parish Council recommended approval (although they did raise some concerns) and the Divisional Member did not submit a comment. Following this process the Chairman requested that the application be considered by the Planning Committee.

Description of Site, Proposal and Constraints:

The application relates to the side garden of 3 Balch Road, Wells which is a semi-detached, two storey property located on a prominent corner of a housing estate. This part of the estate predominantly consists of semi-detached or terraced housing, but there are some three storey flats to the east of the plot. The front elevation of Number 3 faces south and has a lawned area to the front and a gated drive from the highway which can currently accommodate two cars. Further east of the parking area is a further lawned area of garden. Turning the corner of Balch Road and heading north further into the estate, the housing on this side of the street face east.

It is common for this age of estate to have larger plots on corners which are undeveloped and add to the open character and landscape value enhancing the visual amenity of the

estate. This particular site is not only visible from Balch Road, but also from Burcott Road as you approach the estate.

This site is located inside the development limits of Wells, it is within the Bat Consultation Zone (Mells Valley Bats Special Area of Conservation) (band C), within a Site of Special Scientific Interest Impact Risk Zone and the Somerset Levels and Moors Ramsar Risk Area.

The application seeks planning permission for the erection of a two bed detached dwelling in the side garden of number 3 Balch Road. It would be orientated to have its front elevation facing east, but it would be set within the plot further south than number 3 and set slightly back within the plot in comparison to number 5. During the life of the application the plans have been amended to try to overcome the Local Planning Authority's concerns about the design of the building.

Relevant History:

No recent relevant planning history.

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

Divisional Member: No comment received.

Wells City Town Parish Council: Approval with conditions for clarification on three points, Loss of light, design and appearance of roof, boundary.

Ecology: No comments received.

Local Representations:

We have received letters of objection from number 5 Balch Road their comments are summarised below.

- Noise – location being exposed i.e. not in line with other houses, there are concerns about extra noise.
- Residential Amenity – loss of light, overbearing
- Traffic or Highways – visibility poor.
- Tree removal.
- Boundary shown on plan does not agree with title deeds for number 5.

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)
- CP10 (Wells City Strategy)
- DP1 (Local Identity and Distinctiveness)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

The following policies of the Wells Neighbourhood Plan (adopted February 2024) are relevant to the determination of this application: H2 -High Quality House Design.

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 site is within the development limits of Wells and therefore the principle of the application scheme is subject to the consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, and neighbour amenity. It is considered that one dwelling towards the shortfall of housing supply currently being experienced by the Local Planning Authority (LPA) will not outweigh the harm discussed later in this report.

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

This site is located on a residential housing estate in a prominent location on a corner of Balch Road where development in this location is predominately semi detached and terraced dwellings. The large corner plots associated with development of this period gives the estate a sense of openness.

During the life of the application the plans were amended to show a pitched roof similar to the dwellings adjacent.

The development proposed is a detached dwelling of similar height to the existing properties using similar materials. It is proposed to face east onto Balch Road and its gable (side elevation) facing south. It will be set back slightly from the properties which currently face east and it will project forward of the building line of the semi detached properties which face south. The southern elevation is particularly prominent in that these two properties face the entrance to Balch Road when entering the estate from Burcott Road.

The development of the plot will result in the reduction of amenity space afforded to the existing dwelling and very limited amenity space for the proposed dwelling in comparison to other dwellings nearby. Impact on amenity and parking provision will be discussed in more detail later in this report, but when considering the proposed layout of the plot the parking and compromised amenity space adds to feeling that this a cramped form of development.

Wells Neighbourhood Plan endorses high quality design. It says that development should be complementing the local vernacular, be well related to scale, form, density and character of the settlement/built up area and of its setting. It should also respond to context having regard to the principles set out in the Wells Design Guide (August 2022).

It is considered that the proposed development by virtue of its detached nature, projecting forward of the building line of the housing facing south onto Balch Road in this prominent corner location is harmful to the character and appearance of the street scene and erodes the open character of this part of the estate. It also appears cramped and contrived within this context especially when taking into account the lack of on-site parking provision and compromised amenity space. In this regard the development fails to improve the quality of the area as prescribed by the NPPF does not respond to the local context and maintain the character and appearance of the area, contrary to development plan policy.

Impact on Residential Amenity:

The existing house, number 3, and number 5 do have existing windows at ground and first floor in their gable end facing the application site. It is not clear what rooms these windows serve but it is expected that they are hallway and landing windows. The proposed house will be approximately just over 3m to the boundary with number 3 and 5.5m to its first-floor gable end. A first floor bedroom and bath room window is proposed in the rear elevation of the proposed dwelling facing number 3. No windows are proposed in the north elevation of the dwelling proposed. Given the proposed positioning of the dwelling in the plot it is considered that mutual overlooking will be minimal.

Number 5 is north of the proposed plot so some shading of their side garden will occur as a result of the development proposed. To the side of number 5 is a drive for vehicular parking a couple of sheds and some lawn. The proposed dwelling is shown as being 1.8m to the northern boundary with number 5 and there is approximately 9.5m between number 5's first floor gable to the boundary with the plot.

Whilst the siting of the proposal and the distances mentioned demonstrate that the site is cramped, it is considered that on balance, it will not result in harm to amenity which is so significant to warrant refusal of the application in amenity terms.

The existing house will lose its side garden, but rear amenity space is still provided for the occupiers use. The proposed house will have the benefit of a small strip to the front (east) and a small patio to the rear (west), which is synonymous with its cramped nature, but the lack of amenity space is not in itself a reason to recommend refusal.

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.

Impact on Ecology:

The site is in a sensitive location for bats and no ecology report has been received. However, this is a lawned garden on a residential housing estate so it is unlikely that there will be anything of ecological significance on the property.

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, and a Site of Special Scientific Interest Impact Risk Zone. 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 drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.

The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regard to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.

Taking all of the above into consideration, no phosphate or mitigation information has been submitted and as such 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. Therefore, the proposed development conflicts with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

Number 3 is accessed from an unclassified road (class 4) and currently has two off road parking spaces. It is likely that the estate is of a time where onsite parking would not have been controlled however, the increase in the use of the private motor vehicle has led to an increase in on street parking is detrimental to highway safety. The development proposes the loss of one of these spaces and the provision of a separate driveway adjacent to the existing to serve the proposed dwelling. It shows one parking space for the proposed dwelling.

In terms of the access for the site, it is located on the bend, but this is an estate road where traffic is unlikely to be traveling at speed. Somersets parking strategy says that there is a requirement for two on site parking spaces for a dwelling of this size. Whilst it is recognised that the site is close to the town centre where there are facilities and services

which could be accessed on foot, it is highly likely that the occupiers of the development will have a private motor vehicle. Taking into account the loss of parking for number 3 and the cramped nature of the site and the existing problem of on street parking in the vicinity, it is considered that the parking provision for the proposed development is inadequate and will result in an increase in on street parking which would be detrimental to highway safety.

The parking arrangements for the proposed development are unacceptable and would not maintain highway safety standards. The proposal fails to accord with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees:

It appears that a small tree may have been felled within the application site, however it was not protected and as such do not require permission to be felled.

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Other:

The development proposed is not considered to generate significant noise issues other than for a temporary period during construction.

The issue of boundary disputes and land ownership are not material planning considerations.

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.

Recommendation

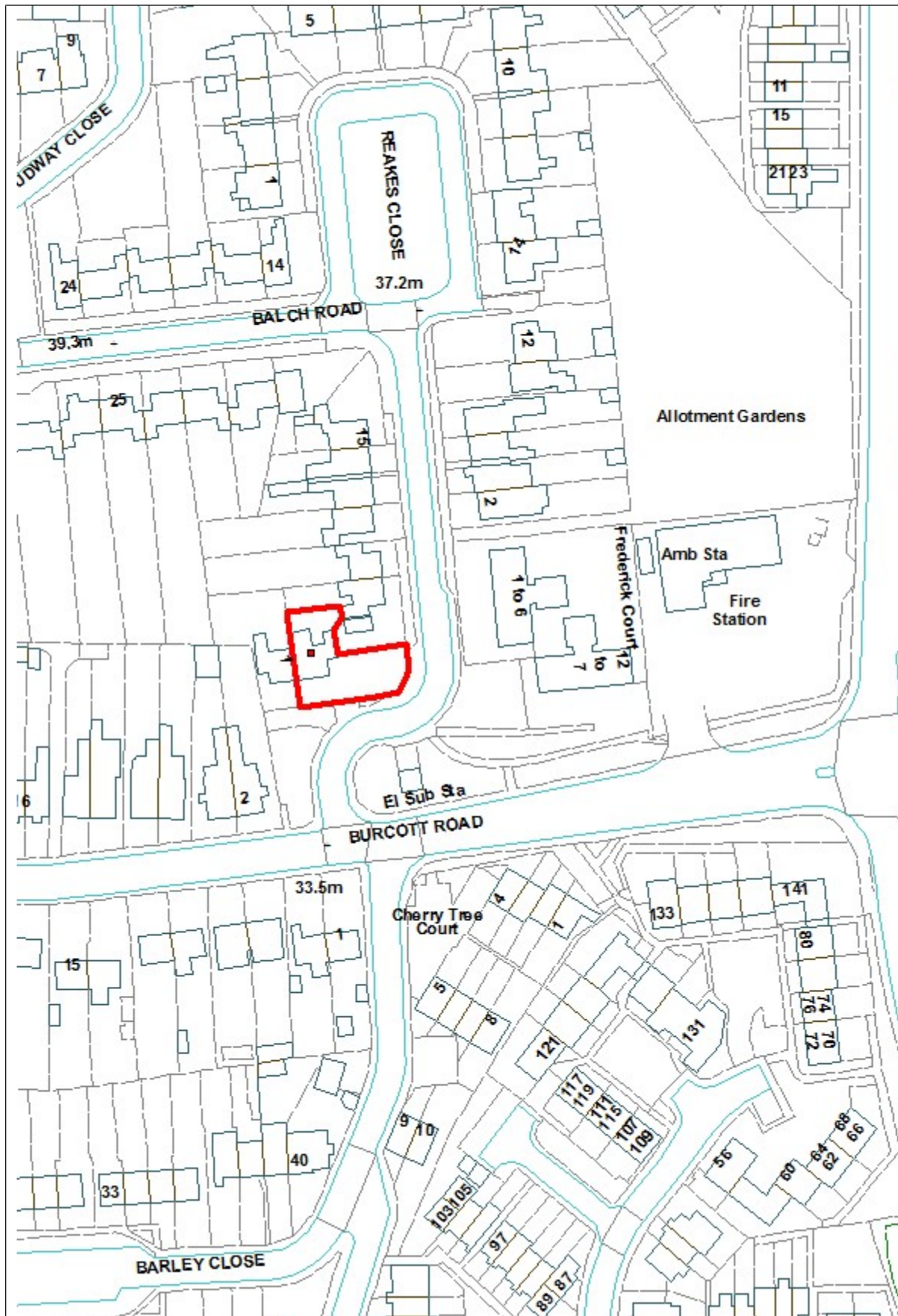
Refusal

1. The application site is a contained small site on the corner of Balch Road and Burcott Road and the proposal is for a detached unit which would project forward of the consistent building line of the housing facing south onto Balch Road in this prominent corner location. The layout, siting and overall design within the plot area is considered to be harmful to the character and appearance of the street scene resulting in a detrimental visual impact to this part of the estate. The proposed parking and amenity space arrangements for the unit further compound the cramped and contrived aspects of the application as it would be considered within its context. For these reasons the application scheme does not respect the local context or maintain the character and/or appearance of the surrounding area resulting in a detrimental impact to the visual amenities of the street scene. On this basis the application is considered to be contrary to policies DP1 and DP7 of the Mendip District Local Plan: Part 1 Strategies and Policies 2006-2029 adopted December 2014 and policy H2 of Wells Neighbourhood Plan (adopted February 2024) and advice contained within the National Planning Policy Framework.
2. Insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharged from the development affecting the current unfavourable status of the Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. The development 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.
3. The proposal fails to provide the necessary parking requirements for the proposed dwelling, as required by the Somerset Parking Strategy. The proposed development is therefore contrary to Policy DP10 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014) and the Somerset County Council

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings PL07 (Site Location Plan), PL05 (Existing Street Scenes), PL02 (Proposed Site Plan) and PL01 (Existing Site Plan) received 11.12.23, PL03A (Proposed Elevations), PL04A (Proposed Floor Plans) and PL06A (Proposed Street Scenes) received 20.05.24.

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Planning Board Report 6th August 2024
3 Balch Road
Wells
Somerset
BA5 2BY

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Application Number	2024/0506/FUL
Case Officer	Kelly Pritchard
Site	Tilham Farm Tilham Lane Baltonsborough Glastonbury Somerset
Date Validated	28 March 2024
Applicant/ Organisation	D Symonds
Application Type	Full Application
Proposal	Demolition of existing barn and erection of new 4 bed dwelling with detached garage. (AMENDED PLANS RECEIVED 09.07.24)
Division	Mendip South Division
Parish	Baltonsborough Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Claire Sully Cllr Rob Reed

What Three Words: stealing.smart.mingles

Referral to the Planning Committee:

The officer recommendation is for refusal, the divisional member did not submit comment and the Parish Council supports, and therefore in accordance with the scheme of delegation this application was referred to Chair and Vice Chair of the Planning Committee. Following this process the Chairman requested that the application be considered by the Planning Committee.

Should the application be approved it would be a departure to the development plan.

Description of Site, Proposal and Constraints:

The application relates to a barn at Tilham Farm, Tilham Lane, Baltonsborough. The site benefits from two points of access from the public highway, one from Ham Street the other from Tilham Lane.

There is an existing open fronted barn on the site which had the benefit of prior approval for its conversion to a dwelling under planning reference 2021/1398/PAA. Subsequently planning permission was given for the barn to be demolished and a new dwelling erected under LPA case ref: 2021/2922/FUL. This approval is extant.

For context, to the west is a further larger barn which has received planning permission to be demolished and four dwellings erected under LPA ref: 2023/2304/FUL.

The site is located outside defined development limits, within a Site of Special Scientific Interest Impact Risk Zone and within the Somerset Levels and Moors Ramsar Risk Area. Immediately to the north of the site is a public right of way and Ham Street which is to the south is a Sustrans National Cycle Network.

The application seeks full planning permission for the demolition of the existing barn and erection of one four bed dwelling with detached garage further south of the barn to be demolished and with a larger garden area that consented by the 2021/2922/FUL application.

The red line application site confirms that the existing access from Ham Street will serve the proposed unit.

The dwelling will be two parts with a link between, one part will be two storey and take the shape of a Dutch Barn. A mixed palette of materials is proposed including timber cladding, stone, slate, and metal standing seam roof.

The 2021/2922/FUL dwelling took the form of a single storey dwelling with a mono pitched roof measuring approximately 4m high at its highest point. The proposed Dutch barn element will measure 7.5m high with eaves being 5.4m. The single storey part of the dwelling will be 5.5m and the detached garage will be 5m high.

Relevant History:

The following covers the planning history for the farm site.

- 067276/002AG - Removal of agricultural buildings, erection of a dutch barn and formation of a new vehicular access and track off Ham Street to serve the agricultural unit. Permission required. 31.01.03
- 067276/003 - Extension to existing dwelling, conversion of barn into additional ancillary accommodation, erection of garaging and workshop and use of land as domestic curtilage. Approval. 07.03.03
- 067276/004 - Creation of an agricultural access onto Ham Street. Approval. 17.04.03
- 067276/006 - Erection of agricultural barn for livestock accommodation. Approval. 15.12.04

- 067276/008 - Erection of a holiday let together with annexe, workshop, garage and conversion of outbuilding into additional ancillary accommodation to serve Tilham Farmhouse. Approval. 04.08.05
- 067276/009 - Erection of 2 holiday lets with attached workshop, carport, annexe and conversion of farm building to family room as ancillary use to Tilham farm. Approval. 03.07.07
- 067276/010 - Erection of 2 Holiday Lets with attached workshop, carport, annexe and conversion of farm building to family room as ancillary use to Tilham Farm. Approval. 26.09.07
- 2022/1619/PAA - Prior Approval for a proposed change of use of agricultural building to four dwellinghouses (Class C3) and for associated operational development. Deemed consent. Prior approval given. 21.10.22
- 2023/1117/FUL - Conversion of barn into four dwellings. Withdrawn. 21.12.23
- 2021/1398/PAA - Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development. Prior approval given. 04.08.21 (this refers to the open fronted barn being considered as part of this application)
- 2021/2922/FUL - Demolish the existing barn with a previously approved Class Q change of use and erection of a three bed dwellinghouse. Approval. 01.08.22 (this refers to the open fronted barn being considered as part of this application)
- 2023/2304/FUL - Demolish barn and erection of 4 new dwellings. Approval. 08.03.24

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

Divisional Member: No comments received.

Baltonsborough Parish Council: Approval.

- Concerns were expressed about scale and impact on the landscape and that a significant number of mature trees had already been cut down to accommodate this application. The Parish Council would like to see more 'specimen trees' planted.

Highways Development Officer: Wishes to consider further. Comment on way as of 08.07.24

Environmental Protection: No objection.

Ecology: Objection.

Regarding Phosphates

The proposed scheme includes the addition of a extra bedroom which must be considered in the nutrient mitigation. The existing class Q application redline boundary is different to the new full application therefore class Q rules do not apply and the application 2024/0506/FUL would be subject to phosphate assessment.

At this time insufficient information has been submitted to satisfy the LPA that the ecology impacts from the development have been sufficiently taken into account and, as such, satisfactorily mitigation measures have not been provided, in line with Mendip District Local Plan 2006-2029: DP5 - Biodiversity and Ecological Networks.

Regarding Ecology

The PEA undertaken by Hash Ecology Ltd (July 2023) indicates measures which will be required in order for development to continue and these could be covered by planning conditions should the development be approved.

Biodiversity and Landscape Officer: No comments received.

Somerset Rights of Way: There are public footpaths, WS 1/24 and WS 1/25, that run adjacent to the site. No development should affect these rights of way unless a temporary closure/stopping up/diversion order has come into effect.

Local Representations:

Three letters of objection have been received and their comments are summarised below;

- Harmful to the character of the area due to siting, scale and it is further into fields than the original consent.
- Hazard to users of footpath.
- The existing barn could be retained which would result in over development.
- As this is significantly different then a new ecology report would be required.
- The visibility splays onto Ham Street are inadequate

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)
- 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 site is within open countryside, outside the settlement limits in an isolated location, where development is strictly controlled.

This site already benefits from an extant permission, 2021/2922/FUL, for the erection of a dwelling on the site of an existing agricultural barn which previously had the benefit of prior approval for the conversion to a dwelling. Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst there is an extant permission for a dwelling it is considered that the current scheme proposed is larger in scale, encompasses a larger area of land and is proposed further south of the consented dwelling, and as such the assessment of this case is significantly different to the consented scheme. It is considered that the impacts of the proposed development are greater than that already consented which will be discussed in more detail later in the report. It should be noted that should planning permission be granted for the development proposed, the existing consented dwelling could equally be erected and there is currently no mechanism submitted to revoke that permission. The proposed application is for an unjustified new dwelling in the countryside.

The starting point is that the development does not accord with the objectives of providing sustainable development as promoted by local policy and the National Planning Policy Framework. However, it is accepted that a dwelling could be provided further north of this site as part of the extant planning permission on the site of an existing agricultural barn as set out above.

An assessment of this current application in terms of compliance with the development plan, is set out below. The primary consideration being whether the scheme now being considered in this rural location would be detrimental to the character of the countryside.

Policies CP1 and CP2 of MDLP 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 12, 13, and 22), which do not apply in this case. Policy CP1 directs that new housing should

be located in sustainable locations in the 5 market towns and villages near to services and facilities.

The Local Planning Authority (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) can not be given full weight in the decision making process on this application. 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.

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.

The proposal is for an unjustified dwelling in the open countryside where development is strictly controlled. The principle of a dwelling in this location does not accord with the requirements of CP1, CP2, CP4 or the NPPF. The adverse impacts of granting permission are considered to significantly outweigh any benefits.

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

The existing barn is a simple open fronted, single storey agricultural building. The dwelling consented on the land where the existing barn is located is reflective of its modest rural character with a small garden. It is well related to the other development on the farm.

The proposed dwelling is further south of the consented dwelling in another field and very different in terms of its design, siting and scale. The building development now proposed takes the form of a single storey element and linked to it would be a two storey building which is similar in design to a Dutch Barn and a detached double garage instead of a simple single storey building.

A proposed vehicular track to serve the development will branch off the existing track which leads from Ham Street and will serve the dwelling on its south side. To the front (south side) of the existing barn is a track which was shown to serve the consented dwelling and it currently continues in a westerly direction to serve the existing farm buildings and residential dwellings beyond. To the north of the existing barn is a grassed track which runs on an east to west axis and includes a public right of way. The red line for the current application extends to include the northern track and shows the existing vehicular track from Ham Street extended northwards and continuing around the north side of where the barn is currently located. It is considered that this new internal access arrangement adds to the urbanisation and overall harm to the character and appearance of the area.

The countryside is to be protected for its own intrinsic character and beauty and whilst it is appreciated that the consented dwelling would have had an impact, its location would be within the confines of the existing barn and its hardstanding and in the historic context of the consent conversion of the existing building to a dwelling. The proposed development is considered to be an unnecessary urban encroachment into green field land and it is considered that the impact of the approved scheme is far less than the scheme now proposed.

The proposed dwelling by virtue of its siting, scale, layout, contrived design and extension of the internal access arrangements which will be visible from the road and the public right of way represents an unacceptable form of development in the open countryside which will have a detrimental impact on the visual amenity and the landscape character of this rural locality.

The application suggests landscape enhancements in and around the site, however, this is not considered to mitigate the scheme impact, and/or outweigh the harm arising to the overall rural character of the area.

Assessment of Highway Issues:

The development proposed is shown to be accessed from the existing Ham Street entrance and the visibility plans submitted are the same as those submitted and approved by the Planning Committee in March when they considered application 2023/2304/FUL for four dwellings to the west of the site.

Whilst the current visibility splay falls short of what would normally be required in this speed limit, the traffic speeds are likely to be significantly slower than the speed limit due to the roads topography and being close to the 30mph speed limit entering the village.

It is considered that the means of access as proposed from Ham Street to serve the dwelling is acceptable. However, if this application were to be approved and the extant permission implemented Somerset Highways would need to consider this further as this would be a further intensification of the existing access.

It is considered that there is adequate space within the site for parking and turning.

In summary the means of access and parking arrangements are considered to be 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.

Having regard to the new track proposed to the north of site should this application be approved, a public footpath diversion order may be necessary.

Impact on Residential Amenity:

The resulting dwelling will be set within a self contained plot separate to the original farmhouse plot and away from other residential properties.

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

Impact on Ecology:

Originally a bat and bird scoping survey report dated March 2021 was submitted with the application. It was the same report used to assess ecology on the previous applications and as it is now over two years old and it does not include the land where the dwelling is now proposed as such it is not fit for purpose. A further Preliminary Ecological Appraisal Report has now been submitted and assessed by SES. SES are satisfied with the recommendations of the submitted report and suggest planning conditions to safeguard ecology on site and its habitat.

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.

Whilst the principle of a dwelling in the vicinity, has been agreed by the planning history, it was for a three bed dwelling one with ensuite, and family bathroom. The dwelling proposed is for four bedrooms, two with ensuite a family bathroom and a separate additional WC as such the impacts as a result of foul drainage may have increased and potentially the number of occupants. As such, 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. 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.

Refuse Collection:

A storage space for refuse bins has been provided within 15m of the highway which is considered acceptable.

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:

It is recognised that a dwelling on the smaller site to the north can be achieved by the extant permission, but this is within the confines of the existing built development. This application proposes a new unjustified dwelling encroaching into the countryside where development is strictly controlled.

The development does not accord with the objectives of Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part I with regards to strictly controlling development outside the Development Limits and the approach to the delivery of housing.

The proposed development by virtue of its siting, scale, layout, contrived design and extension of the internal access arrangements represents an unjustified encroachment into the countryside which will have an urbanising effect detrimental to the visual amenity and the landscape character of this rural locality harming its intrinsic character and beauty contrary to DP1, DP4 and DP7.

Although the Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF does apply in this case. Although 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 given the extant permission the planning balance does apply in this case. Given the absence of any phosphate information it is unclear whether the proposal would have an adverse effect in relation to the Somerset Levels and Moors Ramsar site, as such it is considered necessary to include the second reason for refusal.

In summary, taking all the above into consideration, it is not considered that the benefits would outweigh the significant harms identified. Therefore there is no policy support in the development plan or the NPPF and the application is recommended for refusal as it is not considered a sustainable form of development.

Recommendation

Refusal

1. The development proposed does not accord with the objectives of local and national policy with regards to strictly controlling development in the open countryside. The development by virtue of its siting, scale, layout, contrived design and extension of the internal access arrangements represents an unacceptable form of development in the open countryside which would fail to maintain or enhance the environment. Its urbanising effect and encroachment into the countryside would have a detrimental impact on the visual amenity and the landscape character of this rural locality and a harmful impact on the countryside's intrinsic character here. The development would therefore be contrary to the provisions of Policies CP1, CP2, CP4, DP1, DP4, and DP7 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies (Adopted Dec 2014), the National Planning Policy Framework and Planning Practice Guidance.
2. 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, DP6 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.

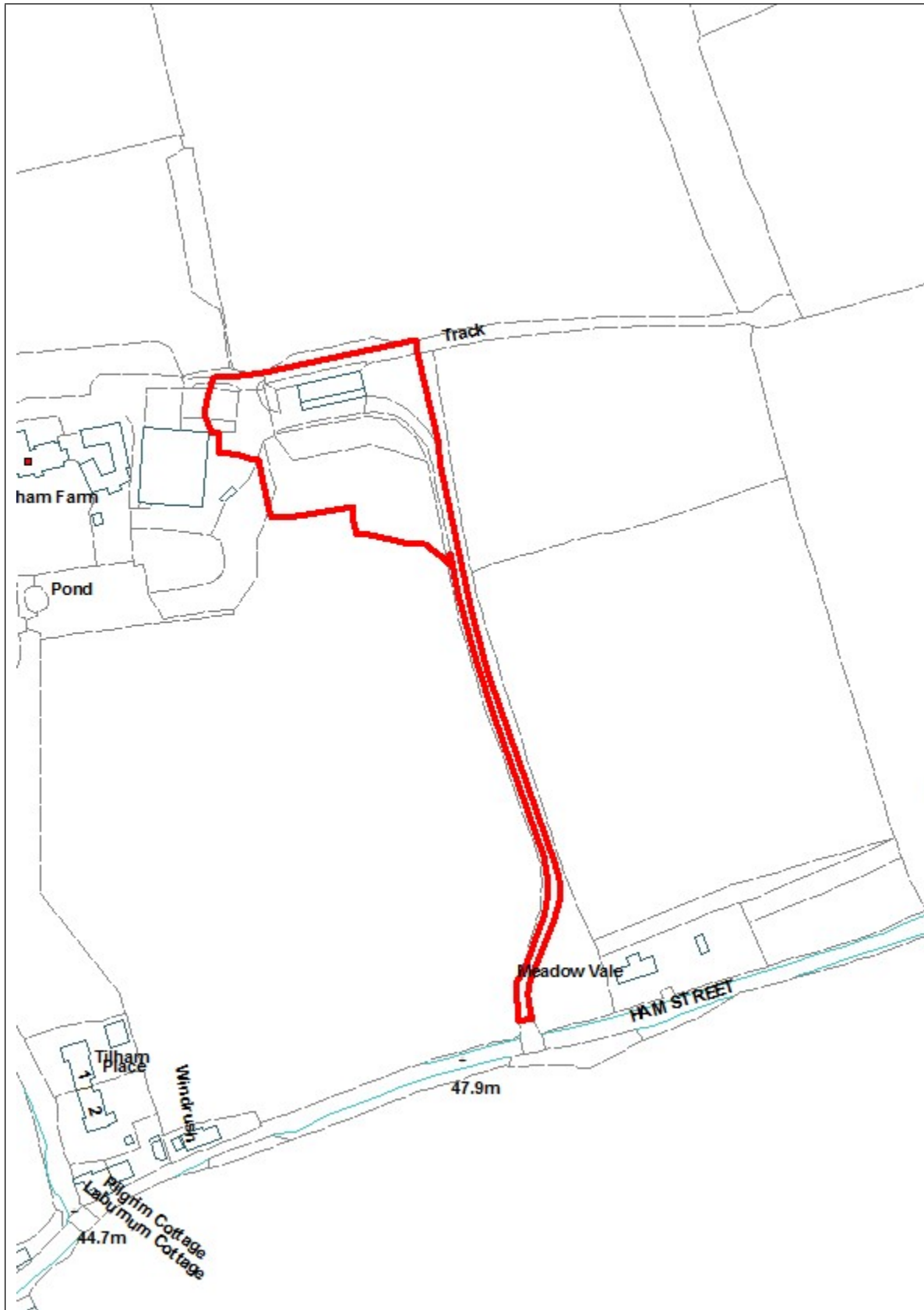
Informatives

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 drawings 1839/010, 1839/005, 1839/002 and 1839/001 received 14.03.24, 1839/020A, 1839/013, 1839/012A, 1839/011A, 1839/004A and 1839/003A received 24.03.24.

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Planning Board Report 6th August 2024
Tilham Farm
Tilham Lane
Baltonsborough
Glastonbury
Somerset
BA6 8QA

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Application Number	2024/0398/FUL
Case Officer	Lorna Elstob
Site	Land At 375165 154879 Chickwell Lane To Wells Road Hemington Frome Somerset
Date Validated	11 March 2024
Applicant/ Organisation	S Hindsbo Terry
Application Type	Full Application
Proposal	Erection of a Holiday Let Cabin and parking area
Division	Mendip Central And East Division
Parish	Hemington Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What three words: ///rugs.uttering.constants

Referral to Planning Committee:

The application is referred to the Planning Committee as the agent is employed by the Council.

Description of Site, Proposal, and Constraints:

The site comprises an agricultural holding of 6 hectares in size that has been in intensive arable crop farming for many years. The site has an access off the lane (known locally as Hammer Lane) between Chickwell Lane to Wells Road and to the south of Tuckers Grave Inn on the A366 Wells Road. The holding is split into three fields bound with natural hedgerows within which numerous mature trees are situated. Norton Brook stream flows through the middle of the southernmost field.

The proposal is to erect a holiday let cabin within the north western agricultural field with access from the lane. The existing field access will be retained as existing although the existing aluminium gate will be replaced with a timber 5 bar gate. A new parking area will be provided just inside the gate and then visitors will walk across the fields to the cabin. A cycle parking area will also be provided. A hardstanding path between the car park and the cabin will not be provided.

The site is located within a bat consultation zone.

Relevant History:

2024/0231/AGB - Application for prior notification of agricultural development for a proposed building. Prior approval not required – 27.02.2024.

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

Division Member: No comments received.

Hemington Parish Council: Recommend refusal due to position, accessibility and scale.

Environmental Protection: No objection.

Local Representations:

1 letter of objection has been received raising the following planning issue:

- Introduction of a building into a field where there haven't previously been buildings.

1 letter of support has been received raising the following planning issue:

- Creation of a new business
- Environmental Enhancements

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

- Future development.

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)

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

- CP1 – Mendip Spatial Strategy

- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- DP4 – Mendips Landscapes
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP23 – Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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)

Assessment of relevant issues:

Principle of the Use:

The site forms part of an existing farm in a rural part of the district outside of any development limits, which in planning policy terms means it is in open countryside.

The spatial strategy for the district is set out within Core Policy 1 (CP1) of the Mendip District Local Plan Part 1: Strategy and Policies (adopted 2014) (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.

The policy sets out that development in the open countryside will be strictly controlled but may be exceptionally permitted in line with the criteria set out in Core Policy 4: Sustaining Rural Communities (CP4).

CP4 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. Of relevance to this proposal at criterion 4.b. it states that development of the rural economy (as set out in CP 3) will be supported where it enables the

establishment, expansion and diversification of business in a manner and of a scale appropriate to the location and constraints upon it.

Core Policy 3 supports economic development, including in rural areas, subject to various criteria. In addition to requiring compliance with policies CP1 and CP4, this includes that development proposals should limit the growth in demand for private transport and are accessible by sustainable transport modes.

Additionally, CP3 offers general support for applications which extend the attraction of the area to visitors. However, this general support does not override the need for such development proposals to be considered against the development plan as a whole

Indeed, policy DP9: Transport Impact of New Development, requires development to maximise opportunities for sustainable forms of transport.

Whilst together policies CP1, 3 and 4 provide broad support for development of the rural economy, including proposals for farm diversification, to ensure sustainable development, the detailed criteria of these policies when considered against the development plan as a whole require 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 policies are reflective of the National Planning Policy Framework (NPPF) objectives to guide development to sustainable locations. A recent appeal decision (APP/E3335/W/23/3331877) for a similar development in a similar location in Mendip district (Henlease Farm, Holt Lane, Witham Friary, Frome) supports this approach.

The application site is located within an unsustainable location where new buildings should not be encouraged. The application site is isolated from tourist attractions, services and facilities, with the exception of the Tuckers Grave Inn. It is not served by footpaths or pavements on the local road network, and the nearest bus service is not sufficiently accessible or reliable. Given the distance and practicality of accessing public transport it is considered that there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here.

Although the planning statement by its own admission recognises the site as being remote from service, tries to temper this by the accessibility to a bus service that runs along the Wells Road to the North, the nearby village of Norton St Philip and Tucker's Grave Inn at the top of the lane. Yet the bus route is not a regular service that holiday makers are realistically likely to rely on. The village is just over 3 kilometres (2miles) away and there are no footpaths enabling suitable access to either the bus stop or the village. Whilst the Tuckers Grave Inn is at the top of the lane, this would not be a sufficient facility to provide for all the requirements of holiday makers.

It is clear therefore that all services and facilities that are relied upon are located a significant distance from the site and all would need to be accessed by the private car. With the possible exception of the Tuckers Grave Inn, there are no facilities near to the site which can be identified as having a direct economic benefit as a result of the development.

There is also no evidence that there is a deficit of holiday lets in the area, or any other reason why this development needs to be in this remote location. Whilst it is recognised that a holiday let is an activity sometimes associated with a rural location, there is no justification as to why this use requires the degree of isolation offered by this development. As such the type of tourism accommodation proposed does not justify the inaccessible form of development.

The proposed development would be in an unsuitable location having regards to the spatial strategy set out in the development plan and national policy. It conflicts with Policies CP1, CP3, CP4 and DP9 of the local plan. Similarly, the proposal would not align with the approach in the Framework in respect of promoting walking, cycling and public transport where possible.

The proposal has not been demonstrated to meet any identified local business and community needs, and the diversification of the farm by the establishment of one unit of holiday accommodation would not provide sufficient economic benefit to outweigh the harms of the proposal conflicting with the spatial strategy and generating additional reliance on the private car in an isolated location.

The principle of the development is therefore unacceptable.

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

The position of the proposed development has been amended during the course of the application as the applicants have taken on board comments from the parish council and the adjacent land owner.

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 proposed holiday let cabin would be 7.2m wide and 2.7m deep with a mono pitch roof which would have a ridge height of 3.25m and would be 2.5m high at the eaves. The cabin would be of timber construction with vertical tongue and groove cladding under a steel roof in a dark grey finish. Doors and windows would be aluminium double-glazed units also in a dark grey finish. No external lighting is proposed.

Whilst the scheme has been designed to minimise the visual impact of the scheme, as the principle of development is not accepted, the proposed built cabin and associated parking would lead to unjustified encroachment into the countryside.

Impact on Neighbouring and Residential Amenity:

The building is a sufficient distance from any neighbouring land uses not to raise any adverse amenity issues.

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.

Impact on Ecology:

The site is located within a bat consultation zone. No lighting is proposed on the site but a condition could be included to adequately control lighting in this regard if the development was otherwise acceptable.

The proposed development will 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. The impact of the proposed development is not considered to have a significant impact over and above the existing situation on highway safety. A small parking area is proposed within the site and as the holiday let is a single unit it is felt that this is sufficient to meet the needs to the proposal.

Notwithstanding the concerns about the the accesibility of the site as stated in the principle section, the means of access and parking arrangements are acceptable and maintain highway safety standards.

Trees and Hedgerows:

Comments have been received with regards to previous works that have taken place to a hedgerow on the site. It has been clarified that this work was undertaken as part of the hedgerow management within the larger land ownership and is not related to the proposed development.

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 173, 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)”*.

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.

Sustainability and Renewable Energy:

Electricity is proposed to be provided by solar panels on the roof of the cabin, foul sewage by a biological Package Treatment Plant and water by a borehole. This would reduce the proposals sustainability footprint.

The submitted Design and Access Statement explains the proposed holiday let has been designed with sustainability and renewable energy as a key focus. This would include PV solar panels to the roof, low energy lighting and sustainable construction materials and methods.

Refuse Collection:

There is sufficient space within the unit for the storage of waste and recycling. The collection of this would be arranged by the owners of the site.

Environmental Impact Assessment:

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

Equalities Act:

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

Conclusion:

The principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. The site does not meet exception criteria set out in the Local Plan.

The limited economic benefits of the proposed development do not in this case outweigh the harms identified through the assessment of the application.

Recommendation

Refusal

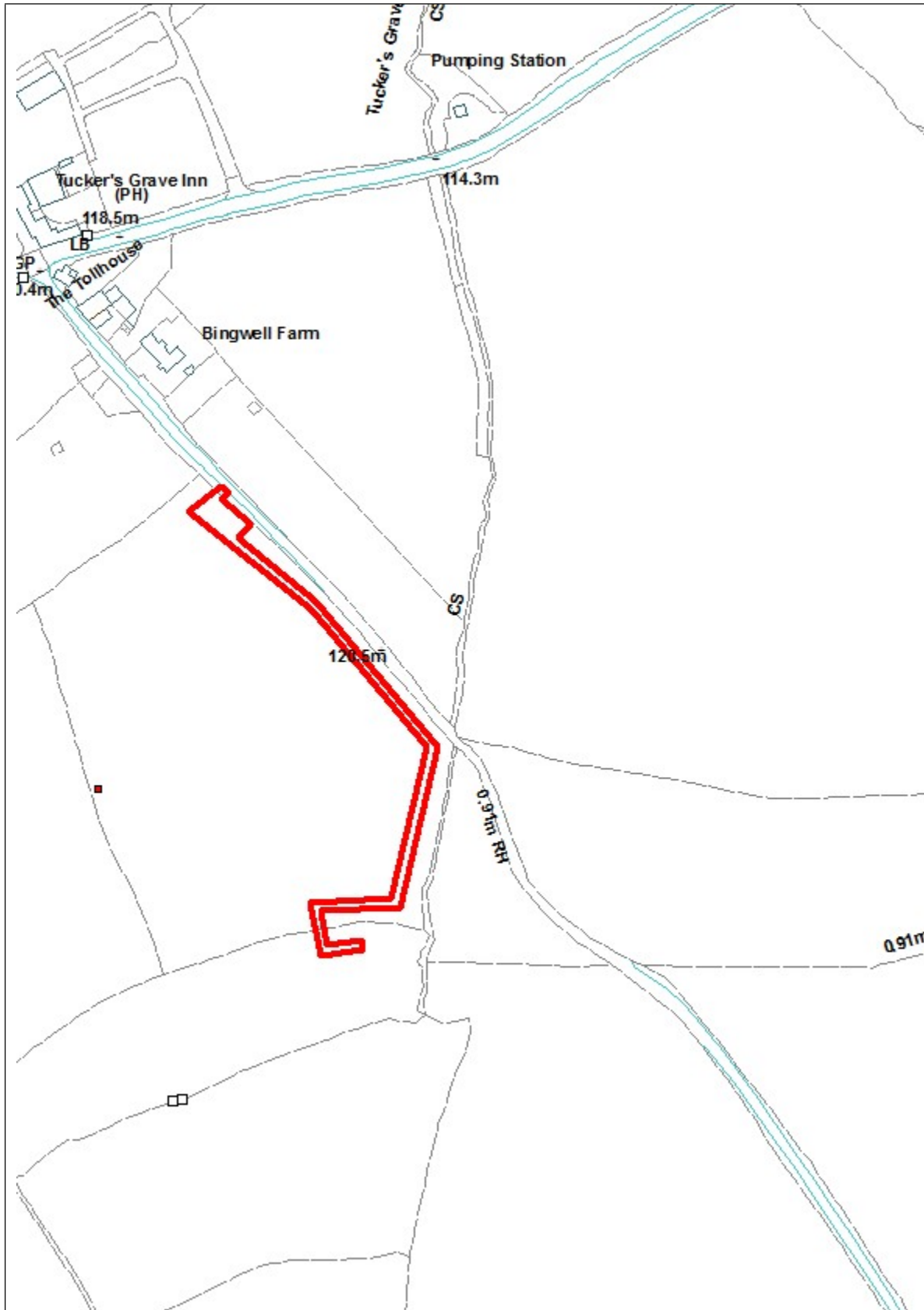
1. The site lies in the countryside outside any development limit where development is strictly controlled as a matter of principle in the interests of the character and appearance of the countryside and to ensure a sustainable pattern of development. The proposal by reason of its unsustainable location, distant from local services, facilities, and tourism attractions, with no pavements on the local highway network, limited public footpaths, and impractical access to public transport would foster the growth in travel by private car. The proposal is therefore provided in a manner and of a scale inappropriate to the locality. These harms are not considered to be outweighed by the minimal economic benefits of a single unit of holiday accommodation.

Accordingly, the principle of development is unacceptable. The proposal is therefore contrary to Core Policies 1, 3, and 4, and Development Policy 9 of the Mendip District Local Plan 2006 - 2029 Part 1 Strategy and Policies (adopted December 2014); the National Planning Policy Framework, particularly sections 2, 6, 12 and 15; and National Planning Policy Guidance.

Informatives

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

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Planning Board Report
Land At 375165 154879
Chickwell Lane To Wells Road
Hemington
Frome
Somerset

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Application Number	2024/0544/CLP
Case Officer	Kirsty Black
Site	2 Rambler Court Street Somerset BA16 0FW
Date Validated	19 April 2024
Applicant/ Organisation	Mrs Lucille Simms
Application Type	Certificate of Proposed Use/Development
Proposal	Proposed garage conversion to create an office space.
Division	Street Division
Parish	Street Parish Council
Recommendation	Development is Lawful
Divisional Cllrs.	Cllr Simon Carswell Cllr Liz Leyshon

What3Words for this application includes titles.ambushes.replying

Referral to Vice Chair and Chair of the Planning Committee.

This application is being presented at Planning Committee because the applicant is a member of staff and in the interest of probity.

Site and Proposal

This application concerns 2 Ramblers Court in Street. It is a modern, semi detached 3 storey high residential property. The property itself comprises render and timber clad walls set beneath flat roofs and has a double garage adjoining to the side elevation with a garden to the rear.

2 Ramblers Court is situated within a residential area of Street and lies within development boundaries. The dwellinghouse is not a Listed Building and does not lie within a Conservation area.

The application is seeking a lawful development certificate for the partial conversion of an existing residential double garage to create an office space for use by the residents of the existing property.

The proposal is lawful development having regard for Class A, Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

The definition of development

Section 57 of the Town and Country Planning Act states that planning permission is required for any development of land.

Section 55(1) of the Town and Country Planning Act defines development as 'The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'

would not amount to operational development.

The proposed development does not constitute operational development.

Assessment

Class A – enlargement, improvement or other alteration of a dwellinghouse.

B.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **No**

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **No**

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **No**

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **No**

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse; **No**

(f)subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i)extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii)exceed 4 metres in height; **No**

(g)for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i)extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii)exceed 4 metres in height; **No**

(h)the enlarged part of the dwellinghouse would have more than a single storey and—

(i)extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii)be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse; **No**

(ii)the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **No**

(j)the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i)exceed 4 metres in height, **No**

(ii)have more than a single storey, or

(iii)have a width greater than half the width of the original dwellinghouse; **No**

(ja)any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j); **No**

(k)it would consist of or include—

(i)the construction or provision of a verandah, balcony or raised platform,

(ii)the installation, alteration or replacement of a microwave antenna,

(iii)the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv)an alteration to any part of the roof of the dwellinghouse

(l)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) **No**

Consideration

The proposed partial conversion of the existing garage includes internal works and does not involve enlarging the building. It therefore complies with Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed installation of ground floor windows complies with Schedule 2, Part 1, Section A.3 (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conclusion

It is considered that the proposal is considered to be lawful and does not require. planning permission.

Recommendation

Development is Lawful

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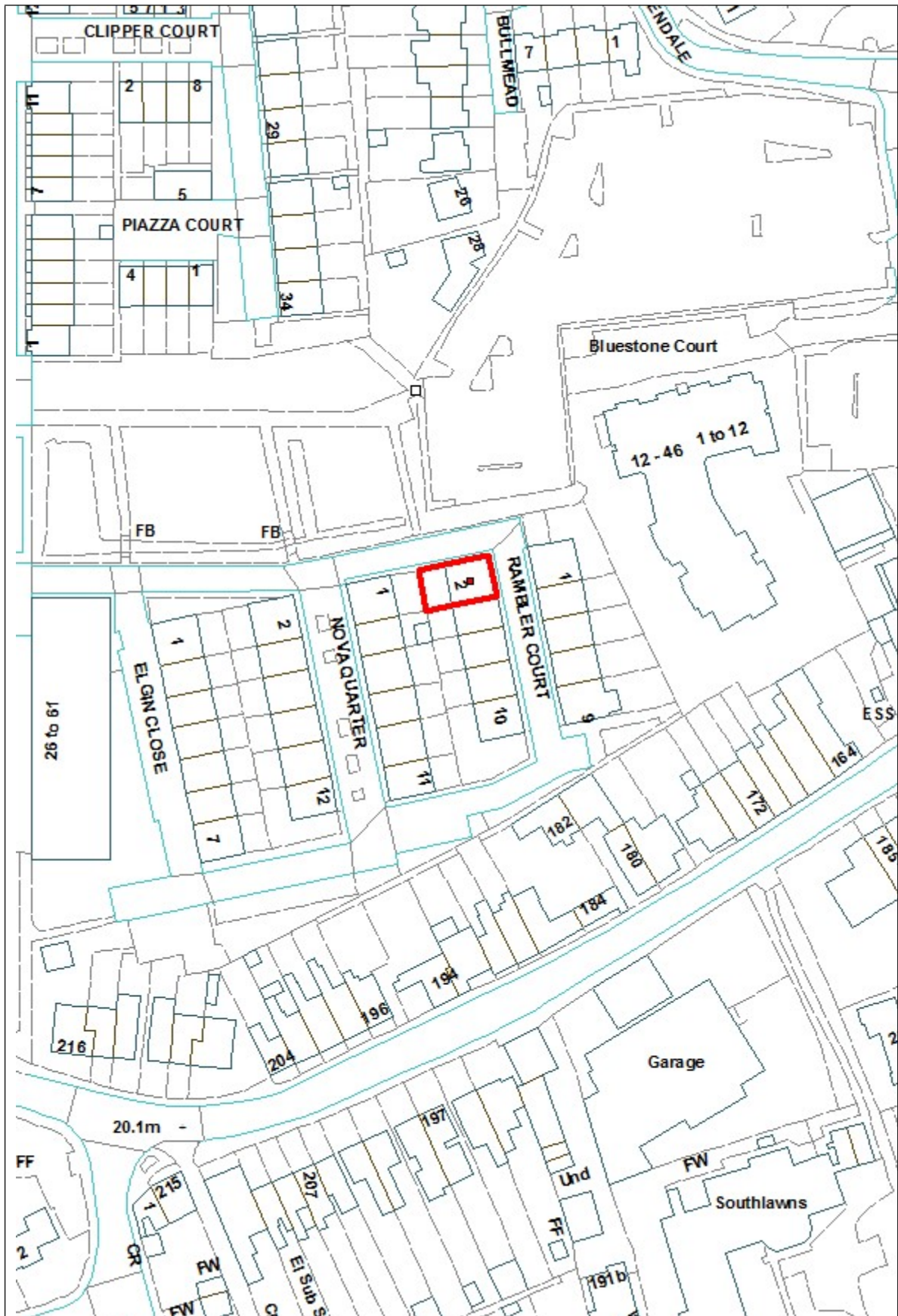
1. The proposed conversion of the existing integral garage into a home office is permitted development under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and, as such, the development is lawful.

Informatives

1. This decision relates to drawings THE LOCATION PLAN received 20th of March 2024, SITE PLAN received on 15th of April 2024, FLOOR PLAN - EXISTING

received on 17 April 2024 and PROPOSED GARAGE AND DOWN STAIRS
BATHROOM PLAN received 5th of July 2024.

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Planning Board Report 6th August 2024
 2 Rambler Court
 Street
 Somerset
 BA16 0FW

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Application Number	2023/2188/HSE
Case Officer	Anna Blackburn
Site	Oriel Cottage 51 Church Lane Doultling Shepton Mallet Somerset
Date Validated	22 November 2023
Applicant/	Mr & Mrs S & L Howell
Organisation	
Application Type	Householder Application
Proposal	Conversion of Barn to Ancillary Accommodation.
Division	Mendip Central And East Division
Parish	Doultling Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What.3.Words: commented.sweat.clinking

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

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-

Chair of the Planning Committee as the case officer recommendation is to approve with Conditions which differs from that of the Divisional Member. The Vice-Chair has referred it to the Planning Committee.

Description of Site, Proposal and Constraints:

Oriel Cottage is located at 51 Church Lane, Doultling. It forms part of a row of seven former estate cottages dating from 1881 and is built of local Doultling stone with a slate roof. It is situated on the northern side of Church Road where it joins the A361.

The proposal seeks permission for the conversion of the barn to ancillary accommodation. Following the advice of the Conservation Officer the scheme has been amended to remove the previously proposed alterations to the existing kitchen roof.

Oriel Cottage is a Grade II listed building lying within the development limits of Doultling and within the village's Conservation Area. It also falls within the Somerset Levels & Moors SPA Ramsar Catchment Area and within an Area of High Archaeological Potential.

Relevant History:

2023/2189/LBC – This Listed Building Application runs concurrently to this application.

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

Divisional Member:

Wishes to refer application. Concerns over development exacerbating parking issues.

Parish Council: Support application

Ecology: No objection providing conditions are applied to protect bats.

Local Representations:

3 letters have been received objecting to the proposed development raising the following summarised points:

- Concern over formation of link between barn and existing house as will impede access to neighbouring property
- Concern over rainwater management of kitchen roof
- Preliminary Bat Roost Assessment findings out of date
- Entrance close to the main road – concern over access in and out of Church Lane.

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

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

- CP1: Mendip Spatial Strategy
- DP1: Local Identity & Distinctiveness
- DP3: Heritage Conservation
- DP6: Bat Protection
- DP7: Design & 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)

Assessment of relevant issues:

Principle of the Use:

The principle of development inside development limits is considered acceptable, subject to the consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, and neighbour amenity.

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

In light of the Conservation Officers comments on the accompanying Listed Building Consent Application the design has been amended to only include the conversion of the barn to ancillary accommodation.

The proposal will utilise the barn's current external materials along with wooden windows and doors. The proposed windows and doors will be located in the positions of the existing openings to the building.

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:

A comment has been made in relation to the proposed link building and the impact it would have on potential access to a neighbouring property. Whilst this is not a planning issue the removal of the proposed link building in the updated plans negates this concern.

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.

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case it is considered that, by virtue of the design, scale, massing, position and the external materials, and having regards to the Conservation Area Assessment of Doultong it is considered that no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on Ecology:

The Council's ecologist is content with the Preliminary Bat Roost Assessment submitted with the application (dated October 2022 with survey results of August 2022) and does feel it necessary to require a more up to date survey. There are however a number of conditions recommended to be attached to the decision to ensure the protection of bats and bat roosts.

Assessment of Highway Issues:

Concern has been raised in relation to parking and the exacerbation of parking issues on Church Road. The application site includes provision of off-street parking which is accessed through the archway below Number 51 Church Lane. The proposal is therefore self sufficient in terms of off-street parking and the proposal is unlikely to exacerbate any existing issues.

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 Issues

A comment has been submitted in relation to the management of rainwater of the host property's kitchen roof. The amended plans no longer include any alterations to the kitchen roof and as such this issue falls outside of this application.

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: 0058-22-02A; 0058-22-04; 000000-01; 0058-22-01

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

3. Ancillary Use (Compliance)

The development hereby permitted shall not be occupied at any time other than for

purposes ancillary to the residential use of the dwelling known as Oriel Cottage 51 Church Lane and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until a standard woodcrete bird box has been installed on to a building or a mature tree on site, facing east or north, at a height above 3m.

The bird box 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 paragraph 186(d) of the National Planning Policy Framework.

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

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

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

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 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.

6. **Provision of Bat Box (Bespoke)**

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

licensed bat ecologist. The bat box shall be retained thereafter in perpetuity.

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

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

All works potentially affecting bats shall proceed under the supervision of the licensed bat ecologist.

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

8. **Provision of Wooden Log Store (Pre-commencement)**

No development shall commence until a wooden log store with a pitched roof for lesser horseshoe bat has been provided adjacent to the north western aspect of the new building, in accordance with details that have first been agreed in writing by the Local Planning Authority. The location of roosts entrances and internal details shall be set out in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>).

The log store shall be implemented in accordance with the agreed scheme and maintained thereafter.

Reason: A pre-commencement condition 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

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

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

Reason: To protect nesting birds and prevent ecological harm in accordance with

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.

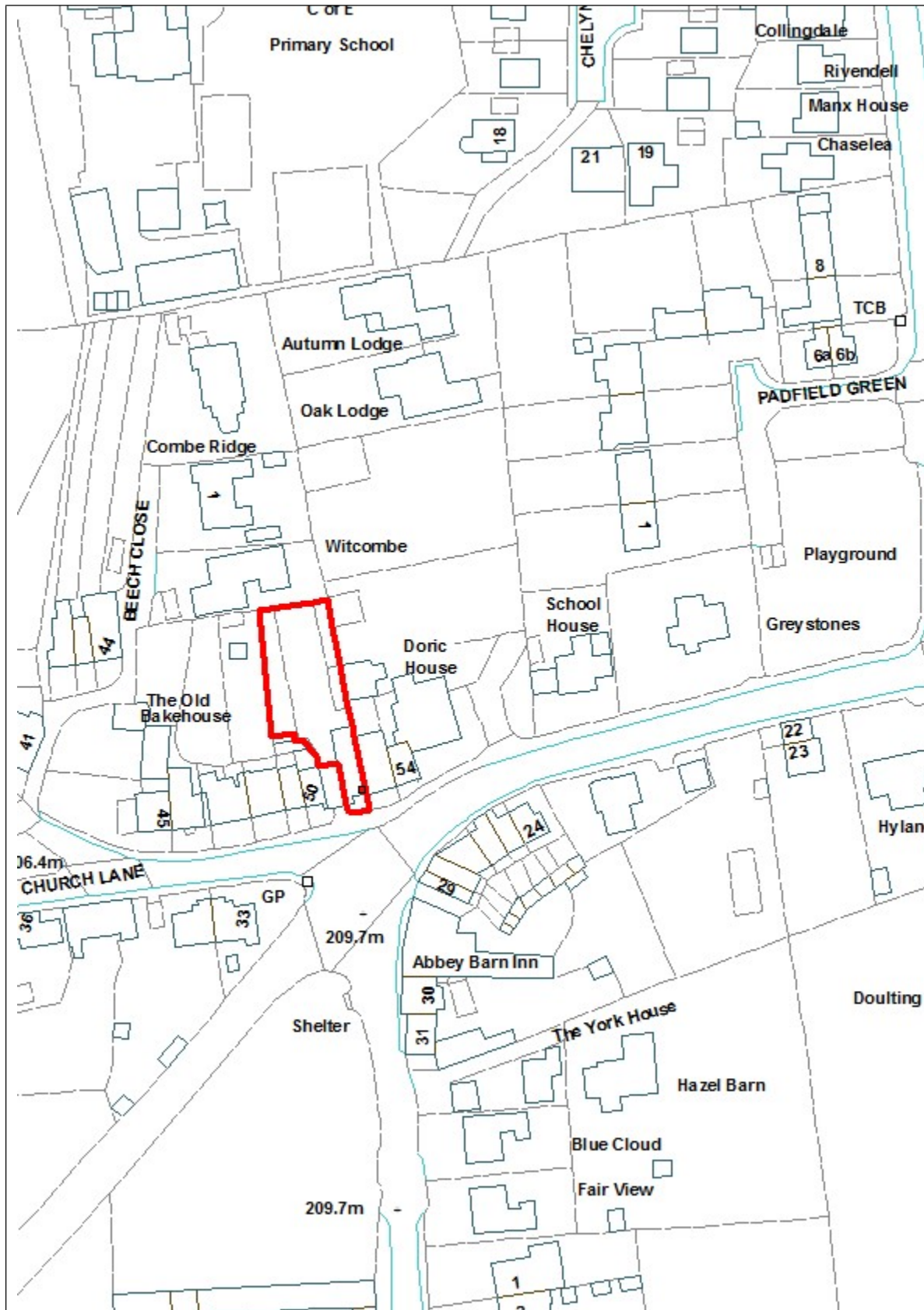
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

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. This decision is for planning permission only and no work shall be commenced until Listed Building Consent has been granted.
4. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. 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/>
7. **Legal Protection Afforded to Badgers**

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

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Planning Board Report 6th August 2024
Oriel Cottage
51 Church Lane
Doulting
Shepton Mallet
Somerset
BA4 4QE

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Application Number	2023/2189/LBC
Case Officer	Anna Blackburn
Site	Oriel Cottage 51 Church Lane Doultling Shepton Mallet Somerset
Date Validated	22 November 2023
Applicant/	Mr & Mrs S & L Howell
Organisation	
Application Type	Listed Building Consent
Proposal	Conversion of Barn to Ancillary Accommodation.
Division	Mendip Central And East Division
Parish	Doultling Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

What.3.Words: commented.sweat.clinking

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

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-

Chair of the Planning Committee as the case officer recommendation is to approve with Conditions which differs from that of the Divisional Member. The Vice-Chair has referred it to the Planning Committee.

Description of Site, Proposal and Constraints:

Oriel Cottage is located at 51 Church Lane, Doultling. It forms part of a row of seven former estate cottages dating from 1881 and is built of local Doultling stone with a slate roof. It is situated on the northern side of Church Road where it joins the A361.

The listed building consent application seeks permission for works to enable the conversion of the barn to ancillary accommodation. Following the advice of the Conservation Officer the scheme has been amended to remove the previously proposed alterations to the existing kitchen roof.

Oriel Cottage is a Grade II listed building lying within the development limits of Doultling and within the village's Conservation Area. It also falls within the Somerset Levels & Moors SPA Ramsar Catchment Area and within an Area of High Archaeological Potential.

Relevant History:

2023/2188/HSE – This Householder Application runs concurrent to this application.

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

Divisional Member:

Wishes to refer application as it is linked to application 2023/2188/HSE.

Parish Council: No comment.

Conservation Officer:

No objection in principle. Concerns outlined:

- Existing floor plan and elevation drawings incorrect, they do not show the windows
- Proposed flat roof on the new extension will not be supported
- Proposed design of replacement windows not in keeping with the main building and the proposed bifold door in the end of the extension should be omitted.
- Objection to the principle of the extension of the roof of the existing outbuilding to meet the existing extension.
- Removal of the front elevation of the outbuilding, enlargement and replacement with timber cladding will not be supported

The Conservation Officer was re-consulted on the revised plans submitted and they have no holding objections but recommend a number of conditions be attached to the decision.

Local Representations:

1 letter has been received objecting to the proposed development raising the following summarised points:

- Entrance close to the main road – concern over access in and out of Church Lane.

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)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- *Frome Neighbourhood Plan (2016)*
- *Rode Neighbourhood Plan (2017)*
- *Wells neighbourhood Plan (2024)*

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

- CP1: Mendip Spatial Strategy
- DP1: Local Identity & Distinctiveness
- DP3: Heritage Conservation

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)

Assessment of relevant issues:

Listed Buildings

The revised plans which are concerned solely with the conversion of the outbuilding to ancillary accommodation and will utilise the existing openings for the proposed windows and doors are considered by the Conservation Officer to be satisfactory and would not have an unacceptable impact on the integrity or setting of the Grade II Listed Oriel Cottage.

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

planning Policy and guidance. The proposals would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on the Setting of a Listed Building

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

Equalities Act

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

Recommendation

Approval

Conditions

1. **Standard Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **Plans List (Compliance)**

This decision relates to the following drawings: 247 001; 247 002 A; 247 003 A

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

3. **Joinery Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

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

4. **Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.

Reason: In the interests of the character and 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).

5. **Schedule - Submission of Details - Internal treatments and finishes (Bespoke Trigger)**

No work shall be undertaken to the existing walls, floors and ceilings, unless a schedule has been first submitted to and approved in writing by the Local Planning Authority. The schedule should describe the proposed treatments and finishes for walls, floors and ceilings, set out room-by-room.

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

Reason: to safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

6. **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)

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.

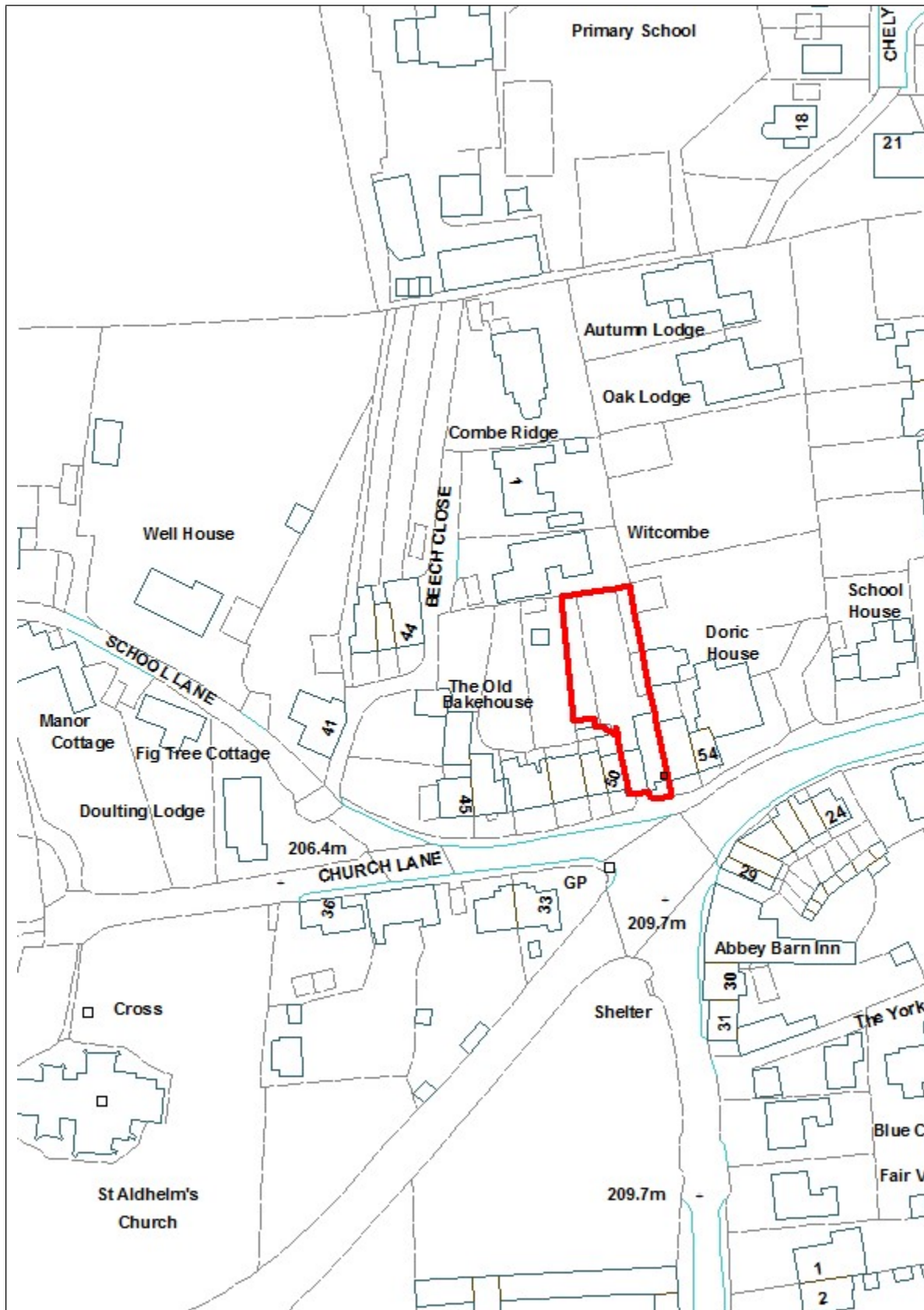
Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

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 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 6th August 2024
Oriel Cottage
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Planning East – Appeal Decisions

Please see below list of appeal decisions made by the Planning Inspectorate between 1st July 2024 and 23rd July 2024.

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

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

Enforcement Reference	ENF/2023/0059
Site Address	The Zigzag Building, Morlands Enterprise Park, Morland Road, Glastonbury
Applicant/Organisation	C Black
Appeal Type	Appeal Against Enforcement Notice
Appeal Decision	Appeal Dismissed
Appeal Decision Date	01.07.2024

Application Reference	2021/28200TS
Site Address	Former Greencore Factory, Prestleigh Road, Evercreech
Applicant/Organisation	West Estates
Application Type	Outline Planning Permission
Proposal	Application for Outline Planning Permission (with all matters reserved except access, appearance, layout and scale) for the demolition of all existing buildings and equipment other than Kemps Mill which will be retained as flexible Class E / F2 floorspace and erection of 120no. residential dwellings and a shop (falling in use class E), together with open space, vehicular and pedestrian accesses, landscaping and related infrastructure and engineering works.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	03.07.2024

Application Reference	2019/3004/OTS
Site Address	Land East of 21 South Street Walton
Applicant/Organisation	West Estates
Application Type	Outline Planning Permission
Proposal	Outline Planning Permission with some matters reserved for 37no. dwellinghouses with details of access.
Decision	Refusal (Planning Board)
Appeal Decision	Appeal Allowed
Appeal Decision Date	05.07.2024

Application Reference	2023/0793/FUL
Site Address	Land at Lynchcombe Lane, Westbury Sub Mendip
Applicant/Organisation	A & S Smith
Application Type	Full Planning Permission
Proposal	Erection of utility barn for horse management purposes with part agricultural use.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	17.07.2024