

Public Agenda Pack



Notice of Meeting of

PLANNING COMMITTEE - EAST

Tuesday, 4 February 2025 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 Rob Reed
Councillor Claire Sully

Councillor Barry Clarke
Councillor Martin Dimery
Councillor Bente Height
Councillor Martin Lovell
Councillor Tony Robbins

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 **12noon on Thursday, 30 January 2025** by email to democraticserviceteam@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 (the Proper Officer) on Monday, 27 January 2025.

AGENDA

Planning Committee - East - 2.00 pm Tuesday, 4 February 2025

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

Councillor Reminder for Declaring Interests (Agenda Annexe) (Pages 11 - 12)

Click here to join the online meeting (Pages 13 - 14)

1 Apologies for Absence

To receive any apologies for absence and notification of substitutions.

2 Minutes from the Previous Meeting

The minutes of the previous meetings held on Tuesday 7 January 2025 will be considered at the next meeting.

3 Declarations of Interest

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

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

4 Public Question Time

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

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

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

Requests to speak at the meeting under Public Question Time must be made to democraticserviceseast@somerset.gov.uk by 5pm on the Wednesday prior to the meeting. For those wishing to speak on an application, requests must be made by 5pm on the Thursday prior to the meeting.

5 Planning Application 2021/1675/EOUT - Land South of Frome bounded by Marston Road, B3092/Railway Line and A361, Frome (Pages 15 - 130)

To consider an application for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C2), 6.7 hectares of employment land (Use Classes E, B2 and B8), a mixed-use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works.

All matters reserved (Access (within the site), Layout, Scale, Appearance, Landscaping) other than four new vehicular site access points from the existing highway.

6 Planning Application 2023/1070/FUL - Land North of Styles Close, Frome (Pages 131 - 200)

To consider an application for the construction and operation of an energy storage facility, fencing, landscape planting, site access, drainage, infrastructure, lighting, CCTV equipment and underground cabling.

7 Planning Application 2024/0750/FUL - Farrington Golf Club, Marsh Lane, Ston Easton, Wells (Pages 201 - 236)

To consider an application for the expansion of the existing sports facilities, including construction of a family putting course; an outdoor gym; 3 outdoor pickleball courts, including a children's play park & a cabana; conversion of a greenkeeper's building to indoor pickleball courts. Construction of overnight accommodation in the form of 48 eco cabins (12 buildings) and 9 lodges, partially in replacement of permitted caravan pitches. Erection of a maintenance hub & Greenkeepers Unit. Various alterations to the clubhouse, other buildings & the golf driving range. Necessary demolition & engineering works & installation of associated infrastructure and landscaping.

8 Planning Application 2024/0407/FUL - The Lucky Chance, Portway, Frome (Pages 237 - 246)

To consider an application for the installation of 12.12kWp Solar Photovoltaic to the roof.

9 Appeals Report (Pages 247 - 266)

To consider the appeal decisions made by the Planning Inspectorate between 20 December 2024 and 17 January 2025.

Other Information:

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

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

Exclusion of the Press and Public

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

Reason: Para 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).
(Or for any other reason as stated in the agenda)

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Public Guidance Notes for Planning Committees

Can I speak at the Planning Committee?

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

The order of speaking will be:-

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

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

The Chair can exercise their discretion in consultation with the Legal Adviser, 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) Page 7 Agenda Annex
- 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 5pm on the Thursday (two clear 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 Chair will invite you to speak at the appropriate time during the meeting.

Can I present information to the Committee?

Please be advised that you can only present documents to the Committee Members at the meeting if they are submitted to Democratic Services (using the email address above) by 5pm on the Thursday before the Committee 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 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 by registering to speak by 5pm on the Thursday before the Committee meeting. 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 Legal Advisor 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 Legal Advisor 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.

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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,(SHSHS), 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) anybody 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) anybody 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.



Planning Committee – East – 4 February 2025

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Agenda Item 5

Application Details	
Application Reference Number:	<u>2021/1675/EOUT</u>
Application Type:	<u>Outline Application</u>
Earliest decision date:	18/08/2021
Expiry Date	08/11/2021
Extension of time	
Decision Level	Committee
Description:	<p>Application for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C2), 6.7 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works.</p> <p>All matters reserved (Access (within the site), Layout, Scale, Appearance, Landscaping) other than four new vehicular site access points from the existing highway.</p>
Site Address:	<u>LAND SOUTH OF FROME BOUNDED BY MARSTON ROAD, B3092/RAILWAY LINE AND A361 (FROME BYPASS) AND INCLUDING LAND TO THE SOUTH OF THE A361 FROME SOMERSET</u>
Division	Frome East
Parish:	Selwood
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape/AONB:	No
Case Officer:	<u>Gwilym Jones</u>
Agent:	Grassroots Planning
Applicant:	LAND VALUE ALLIANCES AND LANDOWNERS CONSORTIUM
Committee Date:	4 th February 2025
Reason for reporting application to Committee	Major application, EIA, Departure

1. Background

1.1 This application was considered at the Somerset East Planning Committee on Tuesday 3rd December 2024. **The Committee Resolved**

To be minded to refuse the planning application on grounds of lack of sustainability and to defer the application for up to two months with Officers given delegated authority to draft the detailed reasons for refusal and to report back to Committee for further consideration.

1.2 In debate, Members identified a number of concerns with the proposed development and potential reasons for refusal including:

- departure from the local plan
- lack of sustainability
- disproportionate level of growth for Frome
- scale of development and impact on local infrastructure and services (including local roads and foul sewerage and residual transport/traffic and environmental effects)
- unsustainable flood and water management
- harm to the environment, local communities and surroundings (including the character of the landscape and the setting of the town)
- lack of a delivery vehicle or robust to deliver a site at this scale
- climate impacts not fully taken account of
- piecemeal nature of the phasing model
- the enforceability of the parameter plans, phasing plans and compliance statements
- the level of out-commuting
- impact of loss of land of residents' amenity
- insufficient value to the community from the S106 package

1.3 At Committee Members also raised the issue of insufficient assessment of on-site archaeology.

2 Further Comments on the Application

2.1 As reported verbally at the Planning Committee East meeting on 3rd December 2024, representations had been received following publication of the Officer Report for that meeting and are on the public website. Officers reported that the additional representations did not raise new or materially different issues from those identified in Section 8.6 of the Officer Report which were taken into consideration by Officers when assessing the proposed development. There have been no further public or statutory consultee representations received since the Committee meeting on 3rd December 2024.

2.2 Following the Committee meeting Officers were requested to provide a copy of the Historic England letter dated 9th April 2024. This was listed on the Council's website but not available to view. The letter is to be read with previous comments dated 2nd September 2021 and 20th September 2022.

- 2.3 In summary, and as noted in the Officer Report, Historic England's initial response (2nd September 2021) raised concerns about the impact on the setting of designated heritage assets (listed buildings, registered park and garden, scheduled monuments and conservation area) including limitations in the heritage impact assessment; and limitations with the assessment of on-site archaeology with the potential to encounter significant archaeology. The Applicant undertook further assessment work in respect of heritage assets identified by Historic England and removed the employment site on the south side of the A361 and adjacent to Marston Park. These changes were acknowledged by Historic England in their subsequent comments (20th September 2022) although they maintained concerns about the sense of separation between the existing built edge of Frome and heritage assets to the south. They also reiterated concerns regarding the setting of the town and conservation area and potential for the development to break the skyline.
- 2.4 In their subsequent letter of 9th April 2024, Historic England identified their primary concern as the southern and western boundaries of the site, as well as the impact of the development in long distance views. They also recommended additional visualisations to inform the assessment of the scheme, the emerging masterplan and quantum of development.
- 2.5 It is relevant to note that the Landscape and Visual Impact Assessment includes short, medium and long distance views from a number of locations including from designated heritage assets and verified views/photo montages from a selection of viewpoints including longer distance views representative those from heritage assets.
- 2.6 It is acknowledged that the proposed development will extend the built edge of Frome closer to a number of designated heritage assets and that the development will be visible from a number of viewpoints and will impact on the setting of the heritage assets to varying degrees. However, Historic England do not object to the application and in their representations acknowledge that the development proposal will lead to less than substantial harm to the significance of designated heritage assets. As required by para. 215 of the NPPF December 2024 (formerly para. 208), this harm is to be weighed against the public benefits of the proposal.
- 2.7 In respect of archaeology, NPPF December 2024 para. 207 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Para. 218 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 2.8 There are no scheduled monuments on the site. However, as noted in the Officer Report and presentation, the Somerset Historic Environment Record identifies a number of features on allocated Local Plan sites adjoining the

application site and revealed through geophysical survey and evaluation in advance of residential development.

- 2.9 The SGC application Environmental Statement included a Heritage Desk Based Assessment in accordance with NPPF guidance. The assessment concluded a generally low to moderate potential in respect of buried archaeological resource at the site but that post-determination evaluation and mitigation should take place to ensure that any archaeology present is fully recorded. The Council's archaeological adviser reviewed the application and did not recommend additional assessment of the site in the form of field evaluation. However, they recommended a pre-commencement condition be imposed to require developer to archaeologically investigate the site in accordance with a Written Scheme of Investigation and that any finds are appropriate recorded. These conditions have been included in the Officer Recommendation on the application.
- 2.10 National Highways have withdrawn their Holding Recommendation and recommend that conditions should be attached to any planning permission that may be granted. The recommended wording is slightly different from that set out in the 3rd December Committee report however it has the same effect and is considered to be acceptable.
- 2.11 The Council's Economic development Officer has commented on the provision of employment space on the site as follows:

Frome already has a number of business parks which support a diverse range of businesses. The creation of employment space within the Selwood Garden Village is an integral part of the creation of the new community and is an opportunity to increase the business base of the town. The space is well-located to provide easy access from the by-pass whilst also integrating back into the development and town to create good access to local labour force. This location is well-placed to be attractive for local business expansion and in attracting new business to the area.

The broad range of employment uses proposed is positive. This will ensure that local organisations from most business sectors could find appropriate space for expansion should they need to. Although it is not possible at this stage to predict exactly which companies will locate to Selwood Garden Village, ensuring that there is employment space available for different use classifications of business will allow potential for the largest range of employment options for the local community. In this way, the employment land element of the development may go some way to help stem the flow of out-commuting from the area.

The employment space is key to supporting the local economy and thereby the new residential population of the area. It is therefore essential that the timeline for the development of the employment space is integrated into the development schedule for housing. It is encouraging to see that currently it is proposed that the employment space will be brought forward during phase 1b. It is recommended that the minimum development expected during this phase would be the provision of all service roads for the employment land and the

provision of all service infrastructure to each individual plot. During this phase, there should also be a number of flexible small business units constructed on a number of the plots to facilitate commencement of local business uptake and occupation.

3 Procedural Matters

- 3.1 Following the 3rd December Planning Committee meeting Members need to reassess the planning balance in full in the light of the following:
- (i) changes in national policy as set out in the NPPF December 2024;
 - (ii) the substantial uplift in housing need in Somerset as a consequence of the standard methodology for calculating the housing requirement as set out in the NPPF
- 3.2 In addition, it is relevant to note that:
- (iii) no decision is taken unless and until a Decision Notice is issued;
 - (iv) that the Planning Committee is not bound by the previous resolution.

4 National Planning Policy Framework (December 2024)

- 4.1 On 12th December 2024, i.e. after the application was reported to Committee, the Government published a new NPPF to replace the previous version (December 2023). This came into effect on that date in respect of development management decisions. The new NPPF must be taken into account in preparing the development plan, and is a material consideration in the determination of planning applications. As the SGC application remains to be determined, the Committee must consider and take into account the revised NPPF in the planning balance when coming to a final decision on the application.
- 4.2 Of particular relevance to the determination of the application for Selwood Garden Community are the following in respect of the presumption in favour of sustainable development (Para. 11) and where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date
- Para. 11 d) – to be read in conjunction with para. 78 – which introduces a requirement to identify five years (rather than four) of housing land supply, with a buffer. Exceptions to achieving housing delivery targets in the previous version of the NPPF have been removed.
 - Para. 11 d) i – in respect of the application of policies in the NPPF that protect areas or assets of particular importance the need to provide a ‘strong’ reason for refusing the development proposed. Previously the requirement was for a ‘clear’ reason for refusal
 - Para. 11 d) ii – in respect of adverse impacts of approving the proposed development so significantly and demonstrably outweighing the benefits when considered against the policies in the NPPF as a whole – which now identifies key policies (individually or in combination) that particular regard should be had to, specifically directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

- 4.3 Also of relevance are:
- Para. 66 which makes specific reference to Social Rent homes (as well as other affordable housing for rent and affordable home ownership tenure) as part of the mix of affordable housing to meet identified local needs where major development involving the provision of housing is proposed. It also removes the requirement to deliver a minimum of 25% of affordable housing as First Homes.
 - Para. 71 which notes the benefits of mixed tenure sites (including creating diverse communities and supporting timely build out rates) and that local planning authorities should support their development through their policies and decisions.
 - Para. 100 and 101 in respect of the provision of public service infrastructure. The NPPF now states that great weight should be given to the need to create, expand or alter 'early years' and 'post-16' facilities (as well as schools generally) and that significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.
 - Para. 109 in respect of promoting sustainable transport and 'using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places'.

4.4 Applying the standard methodology for calculating the housing requirement results in an uplift in the figures for Somerset as a whole from 2,669 to 3,769 homes per year, a 41% increase. In terms of current housing supply, whereas for Somerset as a whole there is 3.55 years housing supply (i.e. still below the 5 year housing land supply requirement), for the Somerset East area the figure is 2.2 years.

5 **Reasons for Refusal**

5.1 As noted above Members of the Committee identified a number of concerns with regard to the proposed development. In addition a question was raised regarding consultation with adjoining authorities (Wiltshire and B&NES). In respect of consultations, these were carried out in accordance with the relevant statutory requirements and the Council's Statement of Community Involvement including appropriate Press and Site Notices. In this case, neither provisions require consultation with adjoining authorities. However Chapmanslade Parish Council commented on the application and this has been reported to Committee and the matters raised taken into account in the Officer's report.

5.2 Officers have reviewed Members' concerns and considered them further in the light of the new NPPF and related guidance. Whilst each application must be determined on its merits, Officers have also had regard to the appeal decision in January 2023 for the site at Marston Lane (2022/0616/OUT), also on the south side of Frome. In that case the Council refused the application on six grounds. Four were resolved ahead of the Inquiry (insufficient information regarding archaeology; highway safety concerns; flood risk on the site and elsewhere), one not upheld (whether or not the appeal site being outside the settlement boundary was an appropriate location for development). The other reason (landscape impact) was upheld and the

appeal dismissed. It is relevant to note that at the time of the Marston Lane appeal the issue of nutrient neutrality was unresolved and mitigation schemes had not been confirmed.

5.3 Member Concern: Departure from the Local Plan

Officer Comments

The application site is not allocated for development and lies outside the defined development boundary for Frome. The proposed development is therefore a departure from the development plan.

In considering the location of the Marston Lane site the Inspector noted that whilst it was directly adjacent to Frome (which provides a wide range of services and facilities) and was easily accessible to the nearby retail and business parks and a supermarket (at Wessex Fields), schools are further afield (albeit still walkable for older children) and the town centre is relatively distant (but served by a bus service and accessible by bike). Given the long walking distance to the town centre and schools and the relatively limited and infrequent bus service provision the Inspector considered that a significant proportion of journeys made by the future occupants of the proposal would likely be by car. The site was only moderately accessible, not particularly well connected and not to be in a most sustainable location on the edge of Frome.

Notwithstanding these limitations, the Inspector concluded that the site was not an inappropriate location for housing development in-principle and the fact the site was outside of a defined settlement boundary amounted to a 'technical breach' of the spatial strategy. With a general increase in housing requirement, allied to the long lead-in time until a new Local Plan is adopted, the Inspector concluded that the expansion of Frome beyond the adopted spatial strategy was 'inevitable'. It is to be noted that weighing in favour of that conclusion was the nutrient neutrality issue at that time and the restrictions that placed on likely housing growth in other parts of the District.

The SGC site is in a similar location in terms of accessibility to the town centre. However, in this case the Applicant proposes a number of measures, to be secured through s.106 planning obligations, to support non-car modes of transport (including funding support for the extension and enhanced services for the 30 bus route) and the promotion of and support for active travel (including on and off-site routes, and electric bikes/scooters).

For the reasons set out above departure from the development plan is not, on its own, considered to be a sound Reason for Refusal.

5.4 Member Concern: Lack of sustainability

Officer Comments

The application site is considered to be in a generally sustainable location, provides on-site a mix of housing and employment space and other uses, as well as social infrastructure (Early Years and Primary School) to meet an identified need (and contributions to off-site provision). The proposed

development also includes a range of sustainable transport and active travel measures.

Without further elaboration on what is meant by 'sustainability', and which is not covered by other topics, this is not on its own considered to be a sound Reason for Refusal.

5.5 Member Concern: Disproportionate level of growth for Frome

Officer Comments

The adopted Local Plan allocation for Frome is 2,300 new homes over the plan period 2006-2029. Frome is the largest town in Somerset East and in the adopted Local Plan Frome is allocated at least 60% more homes than each of the other market towns (the next largest allocation (Wells) has a minimum requirement of 1,450 new homes). To date (2006-2024), a total of 1,968 new homes had been completed in Frome.

The 2,300 homes allocated to Frome represents 24% of the Local Plan Part I and II target (9,635) to be built in Somerset East (former Mendip district area). The 1,700 homes proposed for the SGC site therefore represents approximately 18% of current Local Plan Part I and II target for the town.

Whilst the total proposed quantum of development is significant, it will be built out over a number of years. Taking account of the existing size and historic growth of Frome as well as its characteristics (including a range of employment sites, social infrastructure capacity and public transport services) the level of growth that would take place in the town if the SGC development was approved is not considered to be disproportionate.

It is also relevant to note that adopting the new standard methodology for calculating housing need (as set out in NPPF para. 62) it is anticipated that the future housing requirement across Somerset will increase from that when using the previous method by 41%. Whilst the final number has yet to be finalised, a proportion of the new homes will be directed to Frome. Accordingly the case that the proposals represent a disproportionate amount of growth in Frome is not considered a sound Reason for Refusal.

Given that the new Somerset Local Plan is at an early stage of its preparation and in the light of the guidance in the NPPF (para. 50-51) the issue of prematurity is also not considered to be a sound Reason for Refusal.

5.6 Member Concern: Scale of development and impact on local infrastructure and services (including local roads and foul sewerage and residual transport/traffic and environmental effects)

Officer Comments

The development will give rise to additional demands on local infrastructure and services. Subject to mitigation by way of planning obligations and conditions, statutory consultees and service providers have not raised objection to the application on grounds of current or future capacity. It is considered that mechanisms are available to secure timely delivery of

relevant mitigation and to incorporate a review mechanism should circumstances change during the build out of the development (e.g. need for site-based medical services).

Impact on local infrastructure and services is not considered to be a sound Reason for Refusal.

5.7 Member Concern: Unsustainable flood and water management

Officer Comments

Subject to mitigation by way of planning obligations and conditions, statutory consultees and service providers have not raised objection to the application on grounds of current or future capacity.

Flood and water management is not considered to be a sound Reason for Refusal

5.8 Member Concern: Harm to the environment, local communities and surroundings (including the character of the landscape and the setting of the town)

Officer Comments

Para. 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other measures: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The application site is not in an area of, and does not contain, assets of ‘particular importance’ as defined by the NPPF (e.g. habitat, National Landscape, designated heritage asset) and the majority of the site is not classified as ‘best and most versatile’ agricultural land. However, it is located within the wider setting of such designated assets and areas and will impact on their setting to varying degrees by introducing built development to an existing open landscape.

Officers remain of the opinion that, with mitigation, the harm to Mellis SAC and the setting of Cranborne Chase National Landscape Area (including the International Dark Skies Reserve) is not significant and that reasons for the designation of those assets will be appropriately protected. In the case of designated heritage assets, the harm is considered to be less than substantial and outweighed by the public benefits of the development. Applying the guidance in NPPF para. 11 d) i. regarding the protection of areas or assets of particular importance it is considered that the impact of the development is not a strong Reason for Refusal.

The site is currently largely undeveloped and provides an open agricultural landscape setting to the southern edge of Frome. Whilst the Mendip Landscape Character Assessment categorises the value of the landscape as 'low', the site has a local value as an area of open countryside accessible to existing residents for walking and general enjoyment.

Although the proposed development includes a number of areas of public open space and retains undeveloped green features and spaces, the development of the site will result in a major change to the existing setting of Frome (including the loss of some hedgerows and trees) and will have a significant impact on the local landscape. The Council's Landscape Adviser comments on the application noted that the proposed development gives rise to a significant scale of impact and subsequent major to moderate adverse effects on the landscape. However, they concluded that given the existing landscape character and quality if i) the totality of the measures specified on the Green Infrastructure Parameter Plan are secured by condition and implemented in full; and ii) the green infrastructure is properly managed going forward with an appropriately funded and through a Landscape and Ecological Management Plan these effects were not in themselves considered to be a reason for refusal.

The NPPF Para. 11 d) ii. states that the adverse impacts of granting permission must *'significantly and demonstrably outweigh the benefits having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.....'*

In this case, whilst it is considered that mitigation can be secured by way of conditions and planning obligations and that the development will give rise to a number of benefits (including those specifically identified in NPPF Para. 11 d) ii), Members may conclude that these do not outweigh the adverse impacts to the local landscape and setting of the town.

5.9 Member Concern: Lack of a delivery vehicle or robust to deliver a site at this scale.

Officer Comments

Unless it is contractually or otherwise involved in the delivery of a development project (for example as a land owner) it is not the role or function of the local planning authority to prescribe the mechanism or vehicle to implement a planning permission.

In this case the Applicant (LVA) has indicated their intention to remain involved in overseeing the implementation of the development. However, irrespective of this it is considered that there are appropriate controls via conditions, planning obligations and the approval of reserved matters to manage the delivery of the development in the manner described in the application, regardless of the identity of the developer or landowner.

In the circumstances the lack of a defined delivery vehicle to bring forward the development is not considered to be a sound Reason for Refusal.

5.10 Member Concern: Climate impacts not fully taken account of

Officer Comments

The application considers the climate impacts of the development including climate resilience. Whilst it is acknowledged that the development will give rise to temporary (construction) and permanent impacts, a number of measures are proposed to reduce or limit impacts including commitments on energy use and promoting sustainable modes of travel.

It is considered that reference to the assessment of climate impacts is not a sound Reason for Refusal.

5.11 Member Concern: Piecemeal nature of the phasing model

Officer Comments

The proposed phasing of the development integrates built development with a range of infrastructure works including on and off-site highways, active travel and public transport measures, the delivery of the school, open space, allotments and bat mitigation measures. Triggers for planning obligations including financial contributions will be included in the s.106 Agreement and associated Highways Agreements.

It is considered that appropriate mechanisms are in place to control and manage the development and that reference to piecemeal development is not a sound Reason for Refusal.

5.12 Member Concern: The enforceability of the parameter plans, phasing plans and compliance statements

Officer Comments

A number of planning conditions are proposed to control and manage the delivery of the development in accordance with its stated objectives. Unless non-material, any post-approval amendments to conditions would require a s.73 (minor material amendment) application which is effectively a re-submission of the application to consider the proposals without the condition/with amended wording.

It is considered that this concern is not a sound Reason for Refusal and that amendments to the wording of conditions would be the appropriate way to address any remaining concerns. Members may wish to identify additional conditions (or amended wording) and the Officer Recommendation on the application also includes a provision for Officers to make non-material amendments post-Committee if appropriate.

5.13 Member Concern: The level of out-commuting

Officer Comments

The Local Plan (Part 1) notes that net out commuting, particularly to West Wiltshire towns and to Bath, is an issue for Frome. Although the application proposes a range of employment space on the site it is acknowledged that

there is no linkage or other guarantee that new residents in the development will take up jobs on site (or elsewhere in Frome).

Nonetheless, the application provides for a range of employment uses for potential occupiers and as such the development will make a positive contribution to the provision of employment space in Frome and the potential to support self-containment in terms of new homes and jobs. Accordingly, the potential for out-commuting is not considered a sound Reason for Refusal.

5.14 Member Concern: Impact of loss of land of residents' amenity

Officer Comments

The application will impact on the setting of residential properties adjoining the site (and those retained within the wider site area). However, existing public rights of way across the site will be retained (with limited diversions) and the proposed development includes new areas of open space that will be available to all residents of Frome. A connection to existing public rights of way beyond the site boundary will be made more safe and accessible through the provision of a traffic controlled (Pegasus) crossing of the A361.

It is considered that loss of land of amenity value to residents is not a sound Reason for Refusal.

5.15 Member Concern: Insufficient value to the community from the S106 package

Officer Comments

The Applicant has proposed a range of planning obligations, including verbal undertakings made at the Committee on 3rd December 2024. In addition to the provision of on-site affordable homes and other public benefits such as on site publicly accessible open space, this amounts to around £31m of funding (excluding £718,044 Sustainable Travel Safeguard Sum). In summary these comprise:

Education	£23,838,869
Travel Plan measures	£476,700
Highway Works	£357,000
Sustainable Transport measures	£903,750
Public Transport services	£247,000
A36 works	£4,230,000
Health services	£289,943
Sports facilities	£400,000
Local labour and skills training	£250,000

Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and fairly and

- reasonably related in scale and kind to the development.

Officers consider that the scope of the proposed Heads of Terms for s.106 planning obligations meet the relevant tests.

If Members consider that amended or additional planning obligations should be secured these should be identified however without further elaboration (and justification in relation to the tests) it is considered this would not be a sound Reason for Refusal.

5.16 Conclusion

In the light of the above, Officers consider that a Reason for Refusal could be as follows:

The site is located in open countryside and development of the site would be contrary to the spatial strategy set out in Policies CP1, CP2 and CP4 of the Mendip District Local Plan (Part I). Notwithstanding that the Council cannot currently demonstrate a 5-year housing land supply the proposed development would result in significant adverse landscape change and a harmful visual intrusion into the open countryside and landscape setting of Frome contrary to Policy DP4 of the Local Plan and Paras. 11 d) ii. and 187 of the NPPF (December 2024).

5.17 Notwithstanding the Reason for Refusal set out above, Officers remain of the opinion that the application should be approved as per the original Officer Recommendation as set out in the report that was presented to the Committee at the December 2024 meeting and as set out in Section 6 below, amended to:

- include provision for the monitoring capacity at Frome Medical Centre and making space available on the SGC site should there be demand;
- the affordable housing shall be 30% of the total number of dwellings, with a tenure split of 80% Social Rented and 20% Intermediate Housing;
- financial contribution towards cameras/signage/feasibility study at the A361/A362 Rodden Down junction and towards the A361/Bulls Quarries Road junction.

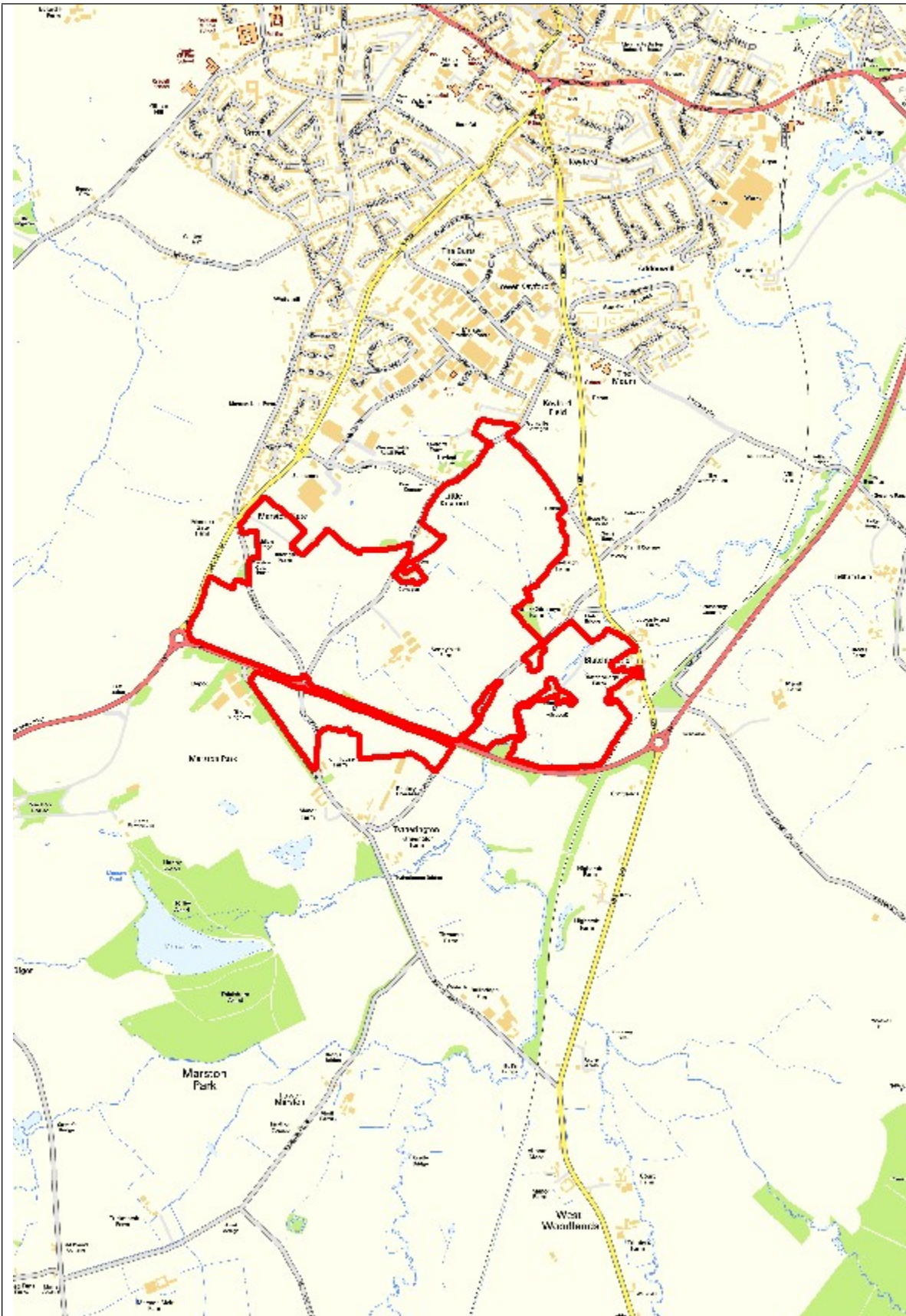
6 Recommendation

Subject to

- the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a 'call-in' direction under Section 77 of the Town and Country Planning Act 1990;

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- **the recommended Conditions set out in Paragraph 3.1 of the Officer Report (Conditions 35, 36, 37 to be amended in line with National Highways recommendation) and such non-material amendments thereto as Officers consider appropriate to ensure the acceptable implementation of the development; and**
- **the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report to the 3rd December 2024 Planning Committee East and para. 5.17 of this Update Report**



Planning Board Report 4th February 2025
Land South Of Frome Bounded By Marston Road, B3092/railway Line And A361 (Frome Bypass) And Including Land To The South Of The A361
Frome
Somerset

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Application Details	
Application Reference Number:	<u>2021/1675/EOUT.</u>
Application Type:	<u>Outline Application</u>
Earliest decision date:	18/08/2021
Expiry Date	08/11/2021
Extension of time	
Decision Level	Committee
Description:	<p>Application for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C2), 6.7 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works.</p> <p>All matters reserved (Access (within the site), Layout, Scale, Appearance, Landscaping) other than four new vehicular site access points from the existing highway.</p>
Site Address:	<u>LAND SOUTH OF FROME BOUNDED BY MARSTON ROAD, B3092/RAILWAY LINE AND A361 (FROME BYPASS) AND INCLUDING LAND TO THE SOUTH OF THE A361 FROME SOMERSET</u>
Division	Frome East
Parish:	Selwood
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape/AONB:	No
Case Officer:	<u>Gwilym Jones</u>
Agent:	Grassroots Planning
Applicant:	LAND VALUE ALLIANCES AND LANDOWNERS CONSORTIUM
Committee Date:	
Reason for reporting application to Committee	Major application, EIA, Departure

1. Recommendation

1.1 Subject to

- **the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a ‘call-in’ direction under Section 77 of the Town and Country Planning Act 1990; and**
- **National Highways having withdrawn their Holding Recommendation**

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- **the recommended Conditions set out in Paragraph 3.1 of the Officer Report and such non-material amendments thereto as Officers may consider appropriate to ensure the acceptable implementation of the development; and**
- **the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report**

2. Executive Summary and Key Reasons for Recommendation

2.1 The application site comprises approximately 95 hectares of land located on the southern edge of Frome in Somerset East (the former Mendip District Council area), the majority of which is in agricultural use with occasional farm buildings and residential properties. The site is bounded to the north by the existing built edge of Frome (including housing sites with permission/under construction) and to the west, south and east by existing roads including the A361 Frome bypass. The site includes a section of the River Frome.

2.2 The application proposes the erection of up to 1,700 dwellings, two care homes, 6.7 hectares of employment land, a mixed use local centre including a primary school, local convenience store, cafes/restaurant together with associated infrastructure, greenspace and other ancillary works. The projected programme for the delivery of the development is approximately 15 years.

2.3 The development plan comprises the Mendip Local Plan Part 1 (LPP1) and Part 2 (LPP2) which covers the period to 2029. The process of preparing a replacement Local Plan is at an early stage with publication of the Regulation 19 version of the Local Plan programmed for October 2026, public Examination in March 2027 and Adoption in March 2028. The application site is not allocated for development in the adopted Local Plan nor identified as a site in the ‘Limited Update’ to LPP2 which is currently in progress. Accordingly, the proposed development represents a departure from the development plan and has been advertised as such. As a departure, and where the local planning authority does not propose to refuse planning permission, under The Town and Country Planning (Consultation) (England)

- Direction 2024 the authority is required to consult the Secretary of State. The authority shall not grant planning permission until 21 days from the date that Secretary of State advises in writing that they have received specified information relating to the application, or sooner if the Secretary of State has notified the authority that they do not intend to issue a 'call-in' direction in which case the authority may proceed to determine the application.
- 2.4 The National Planning Policy Framework – December 2023 (NPPF) establishes a presumption in favour of sustainable development. Para. 11 d) of the NPPF states that in determining planning applications that means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF 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 this NPPF taken as a whole.
- 2.5 In terms of the Mendip Local Plan policies which are most important for determining this application (see 9.5 below), it is relevant to note that these must be treated as being 'out of date'. (NPPF Para 11d). This is because Somerset East is unable to demonstrate a 5-year supply of deliverable housing sites (currently 3.67 years). Therefore, para.11 d) of the NPPF (the 'tilted balance') is engaged i.e. permission should be granted unless the circumstances set out in para. 11 d) i. or ii. apply.
- 2.6 That said Paragraph 11(d) does not require Local Plan policies to be excluded from consideration completely and that the Council may take them into account when conducting the tilted balance exercise. The Courts have held that it is not sensible to divorce the consideration of Development Plan policies from the tilted balance exercise. It is for the decision-maker to decide how much weight should be given to the policies of the Development Plan, including the "most important policies" referred to in Paragraph 11(d).
- 2.7 The application site is not within a nationally designated landscape area and does not include designated habitats sites or Site of Special Scientific Interest. The application site is however within the setting of Cranborne Chase National Landscape (formerly Area of Outstanding Natural Beauty AONB) area including a Dark Sky Reserve. The Mells Valley Special Area of Conservation (SAC) is located approximately 2.6km to the north-west of the application site and the site lies with the 'Consultation Zone' of the SAC with Lesser Horseshoe and Greater Horseshoe bat populations known to be present in the local area. Vinney Lane Local Wildlife Site (a locally designated non-statutory site) is located within the application site. The application site is predominately Grade 4 agricultural land i.e. not 'best and most versatile'.

- 2.8 Given the distance of the application site from the boundary of the National Landscape area, the intervening agricultural landscape as well as the physical, visual and audible influence of the A361 Frome bypass, it is considered that the impact of the proposed development on the setting of the National Landscape area will not be significant and that the special qualities of the natural landscape and the reasons for its designation will be preserved. In addition, it is considered that the proposed lighting levels across the development would maintain the setting of the National Landscape, including how it would affect the dark sky quality of the wider Dark Sky Reserve.
- 2.9 A Bat Mitigation Strategy has been submitted and in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) an appropriate assessment has been carried out by the Council. The assessment concludes that, with mitigation, there would be no likely significant effect on the favourable conservation status of the SAC bat population. Natural England have confirmed their agreement to the conclusions and recommended mitigation. Vinney Lane Local Wildlife Site will be maintained as part of the green infrastructure within the development.
- 2.10 There are no listed buildings, Scheduled Monuments or other designated heritage assets of archaeological interest within the application site. However, there are Grade II* and II listed buildings and Grade II Registered Park and Garden and a Scheduled Monument within 1km of the site. Frome Conservation Area lies approximately 450m to the north of the application site. Given the distance and intervisibility between the application site and designated heritage assets it is considered that the impact of the proposed development on their setting is less than substantial. It is considered that the limited harm to designated heritage assets is outweighed by the public benefits of the proposed development including the provision of affordable housing that will address a local need and the provision of employment floorspace to support the local economy.
- 2.11 The majority of the site is in Flood Zone 1, with land adjoining the River Frome in Zones 2 and 3. Built development is located within Flood Zone 1. The Environment Agency has raised no objection to the application. A surface water drainage strategy has been submitted and subject to further details being submitted for approval prior to commencement of development the Lead Local Flood Authority has raised no objection to the application. Wessex Water have raised no objection to the application subject to submission of a detailed foul water drainage strategy with each reserved matters application.
- 2.12 The proposed development will increase demand for local services including education and health. The provision of a First/Primary School (including Nursery) on site and a contribution to off-site education provision has been agreed and will be secured through s.106 planning obligations. Somerset Integrated Care Board (covering primary care services) have advised that existing facilities at the Frome Medical Centre are sufficient for the new population and are not seeking a financial contribution to expand GP services. The Royal United Hospitals Bath NHS Foundation Trust has advised that a financial contribution is required to mitigate the impact of the

development on acute and specialised services. This would be secured through a s.106 legal agreement.

- 2.13 The application proposes various active travel measures and mitigation to address the impact of the proposed development on the local and strategic highway network. Subject to the measures and mitigation being secured through a s.106 legal agreement, the Highway Authority raise no objection to the application. National Highways issued a Holding Recommendation in respect of the works to the A36 Beckington and White Row roundabouts. The Council has worked with National Highways and the Applicant to address the matters raised (timing and funding for the works and delivery strategy) National Highways have advised that, subject to agreement of the detailed wording of conditions, the Holding Recommendation will be withdrawn. Officers are of the opinion that this does not amount to a reason to defer determination of this planning application or to refuse planning permission.
- 2.14 The proposed development would deliver up to 1,700 new homes including 30% (510) affordable, making a significant contribution to addressing local housing need. The Council's Housing Enabling Officer has confirmed the proposed tenure mix of the affordable homes and indicative mix is acceptable and would be secured through a s.106 legal agreement. The provision of new employment floorspace will contribute to and support the local economy and provide local job opportunities for new and existing residents.
- 2.15 The scale of the proposed development allows for a comprehensive approach to the masterplanning of the site with the provision of new homes and associated social infrastructure as well as delivering open space and other facilities to serve the site and local area. It also enables a strategic approach to addressing issues such as surface water drainage within the site and the funding and delivery of off-site highway works. The submission of design guidance with the application (to be further detailed in Design Codes) sets quality and sustainability benchmarks against which future reserved matters applications will be assessed.
- 2.16 Notwithstanding the scale and projected timescale for completion of the development, which goes beyond the current Local Plan period, given the shortfall in housing delivery in the East Somerset area, Frome's status as the largest principal settlement in this area and the general sustainability of the town and the application site, it is considered that to approve the application would not prejudice or otherwise predetermine the preparation of the new Somerset-wide Local Plan.
- 2.17 Representations from statutory consultees, other organisations and the public have been taken into account in the assessment of the proposed development as well as all other material planning considerations.

Having regard to all the matters raised, it is recommended that planning permission is **GRANTED** for the reasons set out in this report subject to:

- the recommended Conditions set out in Paragraph 3.1 below; and
- the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 below

3. Planning Conditions and s.106 Heads of Terms

3.1 Planning Conditions (full text in Appendix 1):

Condition		Summary of Scope
1	Time Limit	Submission of Reserved Matters - first submission two years post permission - commencement of development three years post permission or two years post first reserved matters approval
2	Site-Wide Strategic Infrastructure Masterplan	Details of strategic road network, strategic open space, surface and foul water drainage
3	Phasing Details	Each reserved matters to relate to a defined phase; details of sequencing and programme for build out
4	Land Use Reconciliation	Monitoring reserved matters against scope of permission
5	Design Codes	Submission of detailed design codes for each phase
6	Compliance Statement	Monitoring reserved matters compliance with approved plans and codes
7	Noise insulation	Details to protect residential amenity with each reserved matters application
8	Electric Vehicle Charging	Details of location and specification with each reserved matters application
9	Materials	Samples of external materials with each reserved matters application
10	Hard and Soft landscaping	Submission of landscaping details with each reserved matters application
11	Environmental Management (Amenity)	Detailed plan to protect residential amenity during construction
12	Environmental Management (Biodiversity)	Detailed plan to protect environment / biodiversity during construction
13	Lux Contour Plan	Lighting strategy to minimise impact on protected species
14	Reptile Mitigation	Measures to minimise impact on protected and other species
15	Further Updated or Supplementary Surveys	Requirement for site information to be up-to-date during build out
16	Post Construction Biodiversity Monitoring	Ongoing monitoring of site biodiversity

17	Biodiversity	Plan for biodiversity enhancement and management during build out
18	European Protected Species	Requirement for relevant licences
19	Roost Compensation	Detail/provision of replacement bat roosts
20	Surface Water Drainage	Details of SuDs
21	Surface Water Drainage	Updated hydraulic modelling
22	Surface Water Drainage	Management and maintenance scheme
23	Foul Water Drainage	Details of submitted strategy
24	Pollution Prevention	Measures to prevent contamination during construction
25	Site Characterisation	Contamination risk assessment/survey
26	Remediation	Remediation scheme if contamination found
27	Verification Reporting	Confirmation of remediation works
28	Unexpected Contamination	Reporting of unexpected contamination
29	Archaeological Investigation	Submission of site investigation scheme
30	Archaeology	Analysis and reporting of finds
31	Secure By Design	Statement on compliance with SBD objectives
32	Noise limit for external plant	To protect residential amenity
33	Non-Residential hours of use	To protect residential amenity
34	Highways works	Details to adoptable standards
35	A36 Junctions works	Trigger/implementation programme for Stage 1 works
36	A36 Junction monitoring	Ongoing monitoring of junction
37	A36 Further works	Trigger/implementation programme for Stage 2 works
38	Public Rights of Way	Footpath retention/diversion procedure
39	Plans List	Approved documents

3.2 Informatives

- 1) Habitats Survey Record
- 2) Amenity Conflict Potential
- 3) Public Rights of Way Orders
- 4) LLFA Consent
- 5) Environment Agency (Environmental Permits)
- 6) European Protected Species Mitigation Licence
- 7) Proactive Statement

3.3 S.106 Heads of Terms (further detail in 10.14)

Topic	Key Terms
Affordable Housing	<ul style="list-style-type: none"> • 30% on site (510 homes (based on 1,700 total)) • 70% Social Rent • 30% Intermediate • Delivery per phase • Clustering (maximum number)
Education (First/Primary school and Nursery)	<p>£9,893,130 (£5,819.49/dwelling)</p> <ul style="list-style-type: none"> • On-site provision (2.1ha) • Construction on site by developer to SCC specification or serviced site and construction by SCC funded by developer • Contribution to off-site provision (interim) £1,695,040 (£997.08/dwelling)
Education Middle Upper SEND	<ul style="list-style-type: none"> • Contribution to off-site provision • £6,376,356 (£3,750.80/dwelling) • £4,190,329 (£2,464.90/dwelling) • £1,583,014 (£931.19/dwelling)
Open space	<ul style="list-style-type: none"> • On site provision by phase • Management responsibilities (FTC or ManCo)
Highway works	<ul style="list-style-type: none"> • Contribution to works at junctions in Frome: • Marston roundabout - total cost • A361 Signal controlled junctions (x2) - £175,000 • Gorehedge junction - £102,200 • The Butts - £60,000
Highway works	<ul style="list-style-type: none"> • Contribution to A36 junction works (to be implemented by SCC) <p>Total cost of works £4.23m</p>
Public transport	<ul style="list-style-type: none"> • Contribution to expand/extend 30 Bus service - £247,000
Sustainable transport	<ul style="list-style-type: none"> • On site provision • Electric scooters/bikes (£187,500) • Car Club (£41,250) • Resident Green Travel vouchers (£313,700)
Sustainable transport	<ul style="list-style-type: none"> • Financial contributions: • Off-site Active Travel routes (£600,000) • Cycle stands/wayfinding (£100,000) • Station improvement study (£25,000)
Travel Plans	<ul style="list-style-type: none"> • Detailed Residential, Employment, School Travel Plans • Travel Plan Coordinator (£72,800) • Travel surveys (£90,200)
Public access/rights of way	<ul style="list-style-type: none"> • Unrestricted public access to on site open space
Health (acute care)	<ul style="list-style-type: none"> • Off site contribution (£289,943)
Sports (pitch)	<ul style="list-style-type: none"> • On site provision

Topic	Key Terms
Sports (pitches)	<ul style="list-style-type: none"> • Off site improvements to Frome Town United Football Academy and Frome Town RFC (£400,000)
Community meeting space	<ul style="list-style-type: none"> • On site provision • Terms of provision
Ecological scheme	<ul style="list-style-type: none"> • Landscape and Ecological Management Plan (including ongoing management and maintenance) • Provision of bat habitat • Biodiversity Net Gain works (including long term management and maintenance)
Local Labour	<ul style="list-style-type: none"> • Training and employment opportunities during construction • Contribution to construction training (£250,000)
Monitoring Charge	<ul style="list-style-type: none"> • Payment triggers

4. Proposed Development, Site and Surroundings

4.1 Proposed Development

4.1.1 This application is for the development of land to the south of Frome comprising up to 1,700 dwellings; care homes (up to 105 beds combined); 6.7 hectares of employment land; a Primary school; retail, cafes/restaurant, community space; greenspace and other infrastructure and ancillary works. The site is bounded principally by Marston Road (B3090) to the west, the A361 to the south, the B3092 to the east, a lane connecting the B3092 to Little Keyford Lane and Little Keyford Lane itself to the north. An area of land to the south of the A361 is also included within the site boundary as well as a small area to the north of Little Keyford Lane.

4.1.2 The proposed development is referred to by the Applicant as 'Selwood Garden Community'. For simplification, the abbreviation 'SGC' is used in this report.

4.1.3 The application is in outline with all matters reserved other than four points of access to the site from existing roads around the perimeter. The detail of these access points are to be determined at this stage. The proposed development is defined by a number of Parameter Plans that prescribe the location of different land uses across the site; the range and location of building heights; the location and type of green infrastructure and open space; the range and location of housing densities; the location of access to the site; and phasing. A land use schedule sets out the mix and maximum floorspace of the different uses of the proposed development.

4.1.4 As an outline application with all matters (other than access points into the site) reserved for later approval, the application does not provide details on how individual parcels of land will be developed other than as specified on the Parameter Plans e.g. zones for particular uses, maximum building heights etc. These parameters are generally of a strategic nature and

therefore, to provide further guidance on the form of the proposed development, the Applicant has prepared a Design Principles Framework Document (DPFD). This is submitted for approval as part of the current outline application and covers matters such as the layout of the development parcels within the site as well as open space; design guidance for buildings including measures to improve sustainability; and the proposed road hierarchy and design specifications for different types of route. This document represents a stepping stone between the high-level Parameter Plans and the vision and aspirations set out in the Design and Access Statement submitted as part of the current outline application, and detailed design guidance in Design Codes to be submitted and approved prior to future reserved matters applications. This document is described in further detail below (Section 10.6).

- 4.1.5 An Illustrative Masterplan has been prepared and submitted with the application which shows how the site could be laid out. However, the Illustrative Masterplan is not for approval as part of the current application and no weight is given to it in the determination of this application other than where it coincides with the Parameter Plans.
- 4.1.6 Access is proposed from four new all vehicle access points to the site via:
- a roundabout on Marston Road/B3090, located just to the north east of the junction with Marston Lane and Paddles Lane;
 - a roundabout on the A361 just to the north west of Vinney Lane incorporating a signalised pedestrian/cycle/equestrian crossing;
 - a two-way access on the B3092 at Blatchbridge, just to the south of the Cross Keys public house incorporating a proposed re-prioritisation of traffic movements on the B3092;
 - a new access on Little Keyford Lane just to the west of the lane connecting to the B3092 incorporating a bus gate and permitting access to existing dwellings on Little Keyford Lane only. A new access will also be created on Little Keyford Lane to a development parcel on the north side of the lane.
- 4.1.7 Access to the site is considered further below (Section 10.4).
- 4.1.8 All built development is located to the north of the A361 with the Parameter Plans defining a number of development parcels separated by green infrastructure/open space and roads. Existing roads through the application site (Paddles Lane and part of Little Keyford Lane) are to be retained as 'greenways'. Vehicular access will be maintained for existing farms and cottages not included within the application boundary or forming part of the SGC development only. Vinney Lane is currently a no-through road for general traffic and will provide vehicular access for retained buildings only.
- 4.1.9 The Land Use Parameter Plan breaks down the site into a number of development parcels including areas of residential (Class C3); predominately residential development (that also allows for up to 5% of the floorspace to be for non-residential uses including Care Homes (Class C2); and employment space (Class E). Located towards the centre of the site is a mixed use 'community hub' comprising a Primary School and where various commercial

uses are proposed (convenience store, restaurant/cafe, hot food takeaway, dentist, community meeting space, employment uses, care home and residential). An area of Class B2, B8 and E(g) commercial space is proposed to the south east of the River Frome with access off the B3092 at Blatchbridge. An area of employment space Class E (g) is also proposed adjacent to Paddles Lane.

- 4.1.10 The Building Heights Parameter Plan specifies the maximum building height of buildings across the site, measured from the highest part of the building plot. The tallest buildings (up to 16m to top of ridge/maximum four storeys) are around the community hub, located towards the lowest part of the site, with building heights reducing to the north and east. The majority of the areas for residential development would permit buildings up to 12m/maximum three storeys in height (including pitched roof), with lower buildings (up to 9m/maximum two storeys in height) generally permitted around the fringes of the site including along sections of Little Keyford Lane, the lane linking to the B3092 and to the west on Marston Road. The areas of employment use are up to 12m/maximum two commercial storeys in height.
- 4.1.11 The Housing Density Parameter Plan proposes a range of residential densities across the site, from the highest at up to 60 dwellings per hectare (dph) at the community hub towards the centre of the site and surrounded by a higher density area at up to 42dph, with the majority of housing adjacent to existing properties at 35-38dph. A low density area (up to 21dph) is located on the north eastern fringe where the existing site levels are steepest.
- 4.1.12 The Green Infrastructure Parameter Plan identifies the areas between development parcels for a range of open space purposes with a buffer around the perimeter of the site as well as larger areas of informal recreational open space including along a section of Little Keyford Lane and existing hedge lines within the site; areas for allotments (adjacent to the main area of recreational space), community orchards and foraging woodland; and either side of the River Frome (which includes land identified for a sports pitch). In addition, land on the south side of the A361 is identified as a natural/semi natural green space that provides supporting/replacement habitat for bats. This Plan also identifies the location of veteran and other significant trees on the site.
- 4.1.13 The Access Parameter Plan identifies points of access to the site and the general alignment of the principal vehicular routes through the site. These routes connect towards the centre of the site at the community hub. However, there is no vehicular access between the areas of development either side of Little Keyford Lane other than for buses, cyclists and pedestrians. In addition, access to/from Little Keyford Lane is for buses, cyclists and pedestrians only. This Plan also identifies vehicular access to the employment space at Blatchbridge. Little Keyford Lane, Paddles Lane and Vinney Lane (the latter currently a no-through road) which are currently open to all traffic are proposed to be re-classified as 'Greenways / 'Quiet Lanes'. These would be accessible for pedestrians, cyclists and horse riders only, other than for vehicles accessing existing houses that are to be retained and lie outside the application site boundary. The Plan also shows indicative

active travel routes for non-car modes. A pedestrian bridge is proposed over the River Frome linking the community hub and main employment area at Blatchbridge. The proposed site access on the A361 includes a signalised pedestrian, cycle and equestrian crossing linking two sections of Vinney Lane that are currently gated either side of the A361.

4.1.14 The Phasing Parameter Plan identifies six principal phases with development over a projected 15 year build period.

- Following the construction of the new access off Marston Road to service land to the west of Little Keyford Lane, Phase 1a (projected build years 1-5) would involve the construction of around 400 homes as well as an area for residential-led development with the potential for care homes or employment uses. This phase includes the laying out of the main area of public open space in the development as well as allotments and an area of community orchard. The land south side of the A361 would be planted to establish new areas of natural habitat.
- Phase 1b comprises the construction of the new access off the B3092 to service the employment land at Blatchbridge.
- Phase 2 (projected build years 2-8) comprises the construction of the new site access on the A361 and extends the area of development to the east/south of Little Keyford Lane. This phase includes the community hub and new school as well as the laying out of the open space around the River Frome.
- Phase 3 (projected build years 7-9) would develop the area of land between Paddles Lane and Marston Road/A361 for housing and employment space.
- Phase 4 (projected build years 9-11) and 5 (projected build years 9-15) would involve the development of housing to the east of Little Keyford Lane. The new access from Little Keyford Lane (buses and pedestrians/cyclists only) would link though to the community hub, with Phases 4 and 5 served by the access off the A361.
- Phase 6 (projected build years 12-14) would comprise self-build housing plots on the northern edge of the site.

4.2 Site and Surroundings

4.2.1 The application site is located on the southern edge of Frome, bounded by Marston Road, the A361, B3092 and Little Keyford Lane and extending south of the A361 incorporating land bounded by Bull's Quarries Road. The total site area extends to 94.8 hectares comprising predominantly agricultural land, interspersed with individual houses and farm buildings. Two public roads, Little Keyford Lane and Paddles Lane, run through the site as does Vinney Lane which is a no through road serving individual properties. The site is bounded to the south east by the Frome-Warminster railway line and includes a section of the River Frome between the B3092 and A361. Several Public Rights of Way (PRoW) run through the site (including paths FR14/39, FR14/40 and FR14/32) and along part of the perimeter of the site (FR14/41). The redline boundary of the application site includes Sandys Hill Farm and associated buildings but excludes a number of other properties including on Little Keyford Lane and Vinney Lane as well as at the periphery of the application site on Paddles Lane and the B3092.

- 4.2.2 The site falls generally from the west/north towards the River Frome. The majority of the site is located within Flood Zone 1, with the area adjacent to the River Frome in Flood Zone 3. There are a number of streams and ditches that cross the site as well as a surface water sewer and culvert that connect with existing development to the north of the site. The majority of the agricultural land is classified as Grade 4 (Poor) with small areas of Grade 3a (Good) and 3b (Moderate).
- 4.2.3 There are no statutorily designated sites of ecological importance within the application site. However, Vinney Lane Local Wildlife Site (a locally designated non-statutory site on account of aquatic invertebrates found there) lies within the application site and comprises a short length of stream within dense vegetation and hedgerows on either side. There are well-established trees across the site (including a number identified as 'veteran') as well as small areas of woodland and groups of trees. Established hedgerows form field boundaries as well as along Little Keyford Lane and Paddles Lane and the majority of the site's perimeter.
- 4.2.4 The Mells Valley Special Area of Conservation (SAC), designated due to the breeding population of Greater Horseshoe bat and habitats, is located approximately 2.6km to the north-west of the site. Greater and Lesser Horseshoe bats are known to be present in the local area including across the application site. The nearest statutorily designated wildlife sites are the Vallis Vale SSSI (2.5km northwest), Postlebury Wood SSSI (3km southwest) and Bradley Woods SSSI (3.8km southeast). Approximately 2km to the south east is Cranborne Chase and West Wiltshire Downs National Landscape (formerly Area of Outstanding Natural Beauty/AONB).
- 4.2.5 There are no designated heritage assets located within the application site. However, a number of Grade II listed buildings are located adjacent to it – Keyford House and conservatory, together with the boundary wall gates and gate piers that face on to Little Keyford Lane; 8-9 and 11-11a Little Keyford Lane; the Cross Keys Inn on the B3092; and Feltham Farmhouse on Bulls Quarries Road. Marston House, located to the south of the A361, is listed Grade II* and its grounds a Grade II Registered Park and Garden. The southern extent of the Frome Conservation Area, part of the Keyford Character Area, lies approximately 450m to the north of the site. A Scheduled Monument, the deserted medieval site south west of Tytherington Bridge, lies to the south of the A361 and within 1km of the site. Further afield is Cley Hill Scheduled Hill Fort approximately 6km to the east of the application site.
- 4.2.6 The site is not directly served by existing bus services although there are bus routes/stops located within 400-500m of the site boundary. The 162 (operated by Frome Bus) runs between Frome and Shepton Mallett along Marston Road with a stop on Sandys Hill Lane and connecting with Frome town centre and community hospital/medical centre. The D2/D2X (operated by First Bus) runs between Bath and Frome via Frome town centre and Oakfield Academy, terminating at Sandys Hill Lane. The No. 30 bus (currently operated by Somerset Council) connects Frome town centre with Mount Pleasant (to the north east of the site). Frome railway station

(connecting with Westbury and Bath and with direct services to London) is located approximately 2.5km to the east of the site.

- 4.2.7 The existing retail and business park off Sandys Hill Lane accommodates a range of shops and employment space and is located close to the northern boundary of the application site.
- 4.2.8 The nearest First school (Christ Church on Feltham Lane) is approximately 1km from the centre of the site and the nearest Middle school (Oakfield Academy on Oakfield Road) approximately 2.5km. Frome town centre is approximately 2km from the site.

5. Planning history

- 5.1 There have been no major or minor applications within the application site boundary in the last 5 years.
- 5.2 Planning permission for development on land adjoining the application site includes housing sites south of Little Keyford and The Mount (LPP2 site FR3a) and mixed use development north and south of Sandys Hill Lane (FR2).

6. Environmental Impact Assessment

- 6.1 As an 'urban development' project the proposal falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). By virtue of the site area (more than 5 hectares) and quantum of development (more than 1,000 dwellings), the proposed development exceeds the relevant Schedule 2 criteria and thresholds in the EIA Regulations as well as the indicative screening thresholds set out in National Planning Practice Guidance. considered to be. Accordingly, the proposed development represents 'EIA development' and the application was accompanied by an Environmental Statement (July 2021) including Appendices and a Non-Technical Summary. Following submission of the planning application the Environmental Statement has twice been amended (Addendum August 2022 and February 2024), advertised as such under Regulation 25, and together constitute the Environmental Statement ('the ES').
- 6.2 As part of pre-application submissions the Applicant, sought the Council's advice on the scope of an Environmental Impact Assessment ('EIA'). The Council did not issue a formal Scoping Opinion, but in its pre-application response identified the impacts considered relevant to the proposed development and to be included in the ES: landscape and visual; ecological, nature conservation and arboricultural; transport, movement and connectivity; flood risk and study of the hydrological and geological ground conditions across the site; heritage assets including archaeology; air quality and other environmental characteristics including noise; socio-economic including human health; sustainability and climate change; how the development would be delivered and the scope of new infrastructure; and an assessment of reasonable alternatives.

- 6.3 The ES (para. 1.6.4) sets out where information to comply with Regulations 18(3), (4) and (5) and Schedule 4 of the EIA Regulations can be found within the ES. In summary, Regulation 18(3) specifies the minimum information that must be submitted for an ES to be a statement in compliance with the Regulations; 18(4) states that an ES must be in accordance with the most recent scoping opinion and include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment; and 18(5) sets out requirements to ensure the completeness and quality of the ES. Schedule 4 of the Regulations specifies the information for inclusion in an ES. This includes a description of the likely significant effects of the development on the environment resulting from the construction and operation of the development; the emission of pollutants; risks to human health, cultural heritage or the environment; the cumulation of effects with other projects, the impact on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; and technologies and substances used. Schedule 4 also sets out further requirements in respect of the methodology for preparing and reporting the assessment of likely significant effects of the development on the environment.
- 6.4 The matters to be included in the ES are addressed as standalone chapters (Scope and Methodology; Site and Scheme Description; Need for the Development & Consideration of Alternatives), individual topic chapters (Transport, Landscape and Visual Impact, Ecology and Nature Conservation, Hydrology and Flood Risk, Geology and Ground Conditions, Air Quality, Noise and Vibration, Heritage Assets, Socio-Economic Effects) addressed within the individual technical chapters as relevant (impact on climate and the vulnerability of the project to climate change). It is considered that the submitted ES conforms with the EIA Regulations in respect of the information for inclusion in an ES and appropriately assesses likely significant environmental effects of the development under each topic.
- 6.5 The conclusions of the ES including proposed mitigation are considered under relevant topics elsewhere in this report.

7. Habitats Regulations Assessment (HRA)

- 7.1 As noted above, the Mells Valley Special Area of Conservation (SAC) is located approximately 2.6km to the north-west of the site and Lesser Horseshoe and Greater Horseshoe bat populations are known to be present in the local area. Commenting on the application, Natural England advised that the proposed development has the potential to impact on habitat available to the bat colony (see Section 8 below). In response and in consultation with Natural England, the Applicant has prepared a Horseshoe Bat Mitigation Strategy that identifies a range of measures to mitigate impacts. These include the provision of new and improved habitat across the site as well as corridors with buffer zones where light levels will be controlled. The Strategy concludes that a combination of the layout of the site, including bat corridors and other dedicated bat habitat would maintain foraging and navigating opportunities across the site for the local horseshoe

bat populations. On that basis it is contended that, with mitigation, the effect of the proposed development on the bat population and status of the SAC is neutral.

7.2 In support of the application the Applicant, submitted a Shadow HRA (sHRA) which has been reviewed by the Council. Somerset Ecology Services have confirmed that the sHRA fulfils the requirements as delineated under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and recommend that subject to planning conditions and obligations the Council adopts the sHRA. Natural England have been consulted on the HRA and advised that subject to the recommended planning conditions and obligations they concur with the conclusion.

8. Consultation and Representations

8.1 Dates of consultation: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024

8.2 Press Dates: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024

8.3 Site Notice Dates: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024

8.4 The following were consulted and their comments summarised below. Full comments are available on the Council's website.

Consultee	Summary of Comments	Officer Comment
National Highways	Holding Recommendation to allow for modelling and identification of mitigation at A36 White Row and Beckington roundabouts.	A36 junction modelling and mitigation works agreed. Financial contribution to be secured in s.106 legal agreement. Conditions to secure implementation of works (35, 36, 37) See 10.4.32-10.4.35

Consultee	Summary of Comments	Officer Comment
Natural England	<p>Mitigation strategy required for effects on the Mells Valley Bats SAC, which demonstrates that an adverse effect on the integrity on its qualifying features can be avoided. Observations on potential impacts on National Landscape (Dark Sky Reserve and visual) with potential need for off-site mitigation.</p> <p>Potential impact on Vinney Lane LWS through increased recreational use and need for financial contribution to management and access improvements.</p> <p>Recommend screening for air quality impacts on Mendip Woodlands SAC from increased traffic.</p> <p>Advice on details of green infrastructure (planting, management, maintenance) and opportunities for local habitat enhancements.</p>	<p>Noted – bat mitigation strategy submitted to address concerns See 10.7.13</p> <p>Impacts on setting of National Landscape and Dark Sky Reserve not considered to be significant See 10.5.4-10.5.10</p> <p>Impact on Vinney Lane LWS not considered to be significant See 10.7.10</p> <p>Impact on Mendip Woodlands SAC considered to be negligible See 10.11.13</p> <p>General Advice noted and addressed in LEMP and/or DPF</p>
Environment Agency	No objection subject to condition	Noted – condition proposed (24)
Historic England	Concerns re: impact on setting of Listed Buildings, Registered Park and Garden, Scheduled Monuments	Impact on significance considered to amount to less than substantial harm and harm outweighed by public benefits See 10.8.4-10.8.14
Sport England	<p>Significant degree of uncertainty about whether layout and/or location of the natural turf playing pitches alongside the River Frome would be good quality and fit for purpose.</p> <p>Concerns about the proposed layout and linear configuration</p>	<p>Applicant proposes off-site contribution to improve/extend off-site facilities at Frome Town FC and Frome RFC.</p> <p>Financial contribution to be secured in s.106 legal agreement. See 10.6.13</p>

Consultee	Summary of Comments	Officer Comment
	of the playing pitches that doesn't meet good practice in terms of providing a consolidated playing field area which can be used flexibly for a range of different pitch sports and configuration of pitch types. The proposed layout will also present challenges in terms of management and maintenance.	
NHS (Emergency Care – RUH, Bath)	Financial contribution sought to mitigate impact on acute services	Financial contribution to be secured in s.106 legal agreement
NHS (Primary Care)	There is sufficient infrastructure capacity for primary care services.	Noted
Health and Safety Executive	The proposed development lies within the HSE consultation distance of a following major hazard site. Advice on acceptable land uses within defined zones.	Noted – layout amended to address hazard/risk
Avon & Somerset Police (Crime Prevention Design Adviser)	No objection. Advice for detailed layouts. Recommend Secure by Design certification.	Noted – SBD condition proposed (31)
Avon & Somerset Police (Estates)	Request financial contribution to fund additional staffing (including recruitment costs), building extension, vehicles, mobile equipment, CCTV	Noted See 10.11.7
Devon & Somerset Fire and Rescue	Recommendations on access and facilities for Fire and Rescue Service and on detailed design	Noted – condition proposed (3)

Consultee	Summary of Comments	Officer Comment
Network Rail	No objection subject to condition and informatives	Noted – condition (20) and informatives proposed
Wessex Water	Foul sewerage discharge modelling has identified a point of discharge for the entire site in Marston Trading Estate. In order to provide sewer capacity for the proposed site and other potential sites in the area downstream improvements will be required which will be constructed and managed by Wessex Water to match the rate of development. Existing sewer can be diverted (at the applicant's cost). Recommend condition requiring foul drainage layout.	Noted – conditions proposed (23)
Cranborne Chase National Landscape Board	Object: <ul style="list-style-type: none"> - impact of development on setting of National Landscape - impact of artificial light on Dark Skies Reserve - recreational pressures on National landscape from extra population 	See 10.5.4-10.5.10
National Grid (Asset Protection)	No objection	Noted
National Gas (Asset Protection)	No objection	Noted
CPRE	Object <ul style="list-style-type: none"> - loss of a large swathe of high quality open countryside, much of it best and most versatile agricultural land - substantial harm to landscape setting of the town and it's river - prematurity 	See 10.5.11-10.5.19

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - no need for additional speculative housing and employment development beyond existing Local plan allocations - rural landscape represents the 'green lungs' of the town, with ancient lanes frequently used by walkers, riders and cyclists - far reaching magnificent views would be lost - heritage buildings whose settings will be despoiled - large numbers of mature trees and hedges and their habitats for wildlife will be removed 	
Planning Policy	<p>The entire application lies outside established development limits which were modified as part of LPP1 and then revised again in the recently adopted LPP2. None of the site is allocated for development with the exception of site FR7.</p> <p>The Council is unable to demonstrate a 5 year housing supply against the national Local Housing Need. It is advised that refusal of the proposal on prematurity grounds as set out in the NPPF would be difficult.</p> <p>The application site is not in an internationally, nationally or locally designated area of landscape, environmental or ecological significance although the site lies within the Mells Valley SAC. There are no listed buildings on the site, it is not in a conservation area and there are no TPO trees on the site. However, wider impacts of the</p>	See 10.2.1-10.2.18 10.5.4-10.5.19 10.8.2-10.8.16

Consultee	Summary of Comments	Officer Comment
	<p>proposal on designated areas and assets beyond the site need to be assessed. In terms of the presumption in favour of sustainable development, there appear to be no areas or assets of particular importance that would warrant a refusal of planning permission on this ground alone.</p> <p>This is a proposal of unprecedented scale for Mendip and experience from other parts of Somerset suggests that schemes of this scale to have a high risk of delays to delivery.</p> <p>A substantial amount of growth is already planned for Frome and agreed in the adopted Plan and the proposal would result in a disproportionate level of growth in Frome compared with other principal settlements. The council would need to be satisfied that the cumulative development resulting from existing allocations / commitments and this site is sustainable.</p> <p>An important objective for Frome in LPP1 is to improve self-containment. This makes the delivery of employment / mixed-use space in the site a critical issue. In principle LPP2 is supportive of additional employment sites on the fringes of the main towns and in locations accessible to the primary highway network.</p>	
Highways Development Management	No objection subject to mitigation works to junctions in Frome.	Noted – mitigation to be secured in s.106 legal agreement See 10.4.4-10.4.31

Consultee	Summary of Comments	Officer Comment
Education	No objection subject to provision of on-site First/Primary school and Nursery; off-site financial contribution to Middle, Upper schools and SEND	Noted – mitigation to be secured in s.106 legal agreement See 10.3.9-10.3.11
Lead Local Flood Authority	No objection subject to conditions including updated modelling	Noted – conditions proposed (20, 21, 22)
Housing Enabling	No objection subject to s.106 obligation	Noted – tenure mix, size and delivery to be secured in s.106 legal agreement See 10.2.14-10.2.15
Landscape	Proposed development gives rise to a significant scale of impact and subsequent major to moderate adverse effects on the landscape. Given the existing landscape character and quality if i) the totality of the measures specified on the Green Infrastructure Parameter Plan are secured by condition and implemented in full; and ii) the green infrastructure is properly managed going forward with an appropriately funded and through a Landscape and Ecological Management Plan these effects are not in themselves considered to be a reason for refusal.	Noted See 10.5.11-10.5.19
Archaeology	No objection subject to condition regarding archaeological investigations	Noted – conditions proposed (29, 30)
Ecology	No objection subject to conditions and s.106 agreement to secure mitigation and habitat enhancements	Noted – conditions (12, 13, 14, 15, 16, 17, 18, 19) and s.106 obligations proposed

Consultee	Summary of Comments	Officer Comment
Arboriculture	No response	Plan identifying existing trees and hedgerows to be included as part of Plans List for approval.
Contaminated Land	No objection subject to condition	Noted – conditions proposed (25, 26, 27, 28)
Environmental Protection	No objection subject to conditions to limit any potential detriment to amenity due to noise (and other effects during construction). Air quality objectives are predicted to be met.	Noted – condition proposed (11)
Rights of Way	No objection subject to conditions and informative	Noted - condition (37) and informative proposed
Sustainable Travel And Tourism	Object to layout of junction on B3090 and B3092. Propose crossing facilities at the junction of Little Keyford Lane/Paddles Lane and A361	Noted. Detailed design of junctions will be the subject of a s.278 Agreement with the Highway Authority. New junction on A361 includes pedestrian, cyclist, equestrian crossing
Councillor Collins	Object <ul style="list-style-type: none"> - traffic impact on surrounding roads leading to town centre - already have numerous sewage overflows and SGC plan to pump uphill to current sewage treatment plants instead of building a new one. - the development is outside the Local Plan development area so should be out of order in the first place 	See 10.4.16-10.4.29
Councillor Dunk	Comment <ul style="list-style-type: none"> - loss an area of productive land which forms a valuable, if not indispensable, part of 	See 10.5.11-10.5.17 See 10.2.1-10.2.9

Consultee	Summary of Comments	Officer Comment
	<p>the landscape character of this part of Frome</p> <ul style="list-style-type: none"> - Frome has other more suitable housing development sites that are, or will shortly be, coming through the Planning system so question the need for a large village on these slopes on the Southern edge of Frome 	
Councillor Kay	<p>Neutral</p> <ul style="list-style-type: none"> - the development could add 25% more people, over and above the existing population of Frome, along with those new people's associated needs, and required infrastructure - the existing population of Frome are already causing problems on access roads in and out of the town in rush hours, and on link roads to the A36, as so many people commute out of town to work. Frome has the highest rate of out-commuting in Mendip/Somerset East, so in that respect it is already unsustainable - A36 junction works limited in scope and will do nothing to help traffic going through Rode in the other direction towards Trowbridge in the morning or traffic going north to Bath from backing up on the A36 - question whether sufficient contributions to pay for the works - the fact Frome has a railway station is sometimes used to suggest the town is 	<p>See 10.3.6-10.3.13 10.4.17-10.4.35 10.9.11-10.9.12 10.5.11-10.5.19 10.2.16</p>

Consultee	Summary of Comments	Officer Comment
	<p>'sustainable' but limited services</p> <ul style="list-style-type: none"> - so much hard-standing that there will be increased levels of run-off unless large drainage pits are included in each sub-estate - doubling up routes of springs, contours and shallow watercourses as public open spaces they will in fact be slushy muddy areas that are unusable by the public in winter. If approved recommend condition for permeable all weather paths to be included along green/blue infrastructure corridors. - recommend permeable paving for parking courts - many sewage discharges into the River Frome from combined sewage overflows due to the increased frequency of intense rainfall events, plus the ancient sewage infrastructure, plus the increase in housing in southern Frome. All the new developments already given permission intend to pump sewage back up the hill and then all around the town to the Frome sewage works. This is an over engineered solution and propose a new sewage works be built towards the Blatchbridge roundabout area - concern at securing delivery of proposed school and question no request for funding from NHS Primary care - concern at enforceability of design guidance 	

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - phasing of replacement hedgerow planting needs to precede removal - the scale and scope of the changes to this agricultural landscape are such that every receptor within or immediately beside the application boundary – whether it is a resident, user of the lanes or PROW's, will all experience an effect that is major adverse - recommend adjustment to parameter plan at junction of Sandys Hill Lane and Little Keyford Lane to retain existing view - recommend increase in affordable housing and concern that no one-bed flats for sale - concern some housing densities are too low 	
Councillor Parks (Wiltshire)	<p>Object</p> <ul style="list-style-type: none"> - traffic impacts on the surrounding roads in Wiltshire have not been addressed and considered 	See 10.4.30
Frome Town Council	<p>Object</p> <ul style="list-style-type: none"> - site is outside the development boundary and would pre-empt new Local Plan - development is not sustainable/distant from major facilities - existing social infrastructure cannot support increased population - affordable housing should be increased to 40% - loss of open countryside and valuable agricultural land 	<p>See 10.1</p> <p>10.2.7-10.2.10 10.3.9-10.3.13 10.4.4-10.4.6 10.9.11-10.11.12 10.5.11-10.5.19</p>

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - foul water capacity in sufficient to deal with development - out-commuting/limited on-site employment space/no evidence of demand <p>If the application is to be approved recommend amendments to the proposals and comment on content of s.106.</p>	
Selwood Parish Council	<p>Comments/Recommendations</p> <ul style="list-style-type: none"> - additional/alternative highway access/works required - need facilities on site to reduce car use to access existing elsewhere in Frome - question capacity of existing foul water system and recommend feasibility study to consider a treatment plant/reedbed system to the south of Frome 	See 10.4.9-10.4.16 10.9.11-10.9.12
Chapmanslade Parish Council	<p>Object</p> <ul style="list-style-type: none"> - increased traffic including commuters - increased risk to road and pedestrian safety and environmental impacts - impact of construction vehicles/HGVs - lack of sustainable travel provision beyond Frome 	See 10.4.30
Lullington Parish Council	<p>Object:</p> <ul style="list-style-type: none"> - no need for additional homes - number of homes exceeds shortfall in housing land supply 	See 10.2.1-10.2.10
Stop SGC	<p>Object:</p> <ul style="list-style-type: none"> - traffic impacts on wider road network during construction and on completion 	See 10.4.11-10.4.14 10.2.1-10.2.10 10.4.17-10.4.31 10.3.8-10.3.13

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - effect of A361 junction works causing delay / slowing lorries - lack of safe pedestrian crossing to Tytherington Park - access to employment land routing of deliveries via Blatchbridge - unprecedented size and scale - development is not part of any housing requirement calculations - delivery of planning obligations - location is unsustainable (distance to train station) - located outside development boundary - impact on local services - timescale for build out of all phases - the ES does not comply with relevant Regulations, survey data is out of date, traffic modelling is defective and work required to overcome National Highways Holding Recommendation will require further consultation. 	<p>The scope and content of the ES complies with the Regulations and has been correctly publicised. Work to address National Highways Holding Recommendation relates to implementation of identified mitigation, not traffic modelling. Survey data is considered to be robust.</p>
Frome Civic Society	<p>Object</p> <ul style="list-style-type: none"> - contrary to Local Plan - granting development of this would pre-empt the new Local Plan - failure to demonstrate social, economic and environmental sustainability contrary to NPPF - public benefits of limited value and need for quantum of development unproven - adverse impacts on town and surrounding countryside significantly and demonstrably outweigh the benefits 	<p>See 10.1.1-10.2.10 10.13-10.14 10.5.1-10.5.19 10.12.1-10.12.7</p>

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - no proposed framework for delivering sustainable and complex urban growth on the scale proposed 	
Friends of the River Frome	<p>Object</p> <ul style="list-style-type: none"> - development will result in additional downstream flooding, particularly at Wallbridge - development will increase the risk of raw sewage overflows into the river (including from the combined sewer overflow in Frome town centre) - proposed playing fields and play area are located within a floodplain and are therefore likely to be flooded and unusable for large parts of the year. Associated engineering works will have an adverse impact on the landscape setting of the river corridor. 	See 10.9.2-10.9.12

Local Representations

- 8.5 Neighbour notification letters were sent in accordance with the Council's Statement of Community Involvement.
- 8.6 465 comments have been received since the application was submitted (including more than one representation from some parties) raising a wide range of issues. These have been collated and are summarised below:

Objections (summary)	Officer Comment
No need/contrary to Local Plan/contrary to Community Plan/alternative brownfield sites available	See Section 10.1.1-10.2.10
Impact on/lack of existing social infrastructure (medical facilities, schools) in Frome	See Section 10.3.8-10.3.13
Transport <ul style="list-style-type: none"> - additional traffic - congestion - noise/pollution 	See Section 10.4

- impact on junctions - road safety - unsustainable location - out commuting	
Scale of development/Impact on the character of Frome	See Section 10.2/10.6
Impact on the landscape	See Section 10.5
Flood risk/surface water drainage and impact on the River Frome	See Section 10.9
Loss of open countryside/access to open space	See Section 10.1
Loss of agricultural land	See Section 10.5.14
Impact on wildlife/loss of biodiversity/loss of trees and hedgerows	See Section 10.7
Impact on heritage assets	See Section 10.8
Lack of/affordability of affordable homes	See Section 10.2
Climate emergency/carbon footprint	See Section 10.10
Light pollution	See Section 10.5.8-10.5.10
Lack of detail	See Section 10.6
Ongoing management/maintenance	See Section 10.12
Delivery of scheme proposals/planning obligations	See Section 10.12
Support /No Objection	Officer comment
Provision of new homes and employment space	Noted.

8.7 In addition a petition has been submitted signed by 37 people objecting on the grounds that the development is outside the housing development area in the Local Plan and no assessment has been made which proves that 1,700 homes are needed in Frome. They also object to the loss of 240 acres of agricultural land and 2 miles of hedgerows, veteran Selwood Forest trees and habitats when there is a Climate and Biodiversity Emergency.

8.8 Summary of objections – non-planning matters

- Application driven by profit
- Track record of Applicant of delivering large scale developments

8.9 Summary of support – non planning matters – NONE

9. Relevant Planning Policies and Guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in dealing with an application for planning permission the authority shall have regard, so far as is material to the application, to the provisions of the development plan and any local finance considerations, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if regard is to be had to the development plan the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 The Development Plan comprises the Mendip Local Plan Part 1 (2014) and Part 2 (2021), LPP1 and LPP2; Somerset Minerals Local Plan (2015); Somerset Waste Core Strategy (2013); and the Neighbourhood Plan for Frome 2008-2028 (2016).
- 9.3 Following the adoption of LPP2 in December 2021 the Plan was the subject of a successful legal challenge. The High Court ordered the deletion of five site allocations and required that the Council review and reconsider allocations to meet the district wide requirement for 505 dwellings in accordance with Core Policies 1 and 2 of LPP1. The remainder of the adopted LPP2 was to remain as adopted. Following the publication of housing sites in July 2024 and receipt of representations the Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent Examination on 30 September 2024.
- 9.4 LPP2 Policy LP1 (Future Development Plan Review) commits the Council to an immediate review of the Local Plan Part 1 and Part 2. Somerset's Local Development Scheme (October 2023) sets out a programme for the new Local Plan with the draft document to be submitted for Examination in March 2027 and adoption in March 2028 i.e. beyond the timeframes set out in Policy LP1.
- 9.5 The following policies of the Local Plan are relevant to the determination of this application:

Mendip Local Plan Part 1

CP1 Mendip Spatial Strategy
 CP2 Supporting the Provision of New Housing
 CP3 Supporting Business Development and Growth
 CP6 Frome Town Strategy
 DP1 Local Identity and Distinctiveness
 DP3 Heritage Conservation
 DP4 Mendip's Landscapes
 DP5 Biodiversity and Ecological Networks

DP6 Bat Protection
DP7 Design and Amenity of New Development
DP8 Environmental Protection
DP9 Transport Impact of New Development
DP10 Parking Standards
DP11 Affordable Housing
DP14 Housing Mix and Type
DP16 Open Space and Green Infrastructure
DP19 Development Contributions
DP23 Managing Flood Risk

Mendip Local Plan Part 2

LP1 Future Development Plan
DP24 Single-Plot Exception Sites for Self & Custom-Build
DP25 Employment Land
DP27 Highway Infrastructure Measures for Frome
FR7 Land at Little Keyford

Neighbourhood Plans

- 9.6 There are no Neighbourhood Plans covering the application site however the site lies adjacent to the Frome Neighbourhood Plan (made in December 2016).

Supplementary Planning Documents

- 9.7 Of relevance to this application are Design and Amenity of New Development, Policy DP24 SPD, Policy DP7 SPD (March 2022) and Greenspace (February 2023).
- 9.8 In addition, although the majority of the application site lies outside the coverage of the Frome Town Design Statement (October 2015) and therefore not of direct applicability to the application site, given the adjacency of the site to the built extent of Frome, the following policies are noted:
- Q1 Visibility
 - Q2 Scale of Development
 - Q5 Development Density
 - L1 Development on the Settlement Edges
 - L2 River Frome corridor
 - MT10 Gateways to Frome
 - G1 Local distinctiveness
 - G2 Settlement Pattern

Other Relevant Policy Documents and Guidance

- 9.9 Other relevant documents include the Mendip Landscape Character Assessment Revision B (2021) where the site is located within Frome Fringes (B2.5 Little Keyford and Blatchbridge); Mendip Local Biodiversity Action Plan; and Somerset Climate Emergency Strategy.

9.10 National Planning Policy Framework (December 2023) and National Planning Practice Guidance. A revised draft NPPF was published on 30 July 2024 and consultation on the proposed changes ended on 24 September 2024. A revised NPPF has yet to be formally published and therefore the current NPPF (December 2023) continues to apply to the determination of this application.

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

1. Principle of Development
2. Housing (including housing land supply and affordable housing)
3. Employment and Other Land Uses
4. Access and Transport
5. Landscape
6. Placemaking and Design Quality
7. Ecology and Biodiversity
8. Heritage
9. Flood Risk and Surface Water Drainage
10. Energy and Sustainability
11. Other Considerations (including air quality)
12. Delivery (including Phasing)
13. Planning Balance
14. Planning Obligations
15. Local Finance Considerations

10.1 Principle of Development

10.1.1 The NPPF (para. 10) states that at the heart of the Framework is a presumption in favour of sustainable development. However, para. 12 goes on to state that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Plan Core Policy 1 (Mendip Spatial Strategy) states that all new development is expected to contribute positively towards delivering components of the vision for the district and associated strategic objectives. That is, to enable the most sustainable pattern of growth across the former Mendip area (Somerset East area) with the majority of development directed towards the five principal settlements (of which Frome is the largest) to reinforce their roles as market towns serving their wider rural catchments. Core Policy 1(c) states that development in the open countryside (i.e. outside the defined development limits) will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 (Sustaining Rural Communities).

10.1.2 During the preparation of LPP2 the SGC site was promoted for inclusion in the Local Plan by the Applicant. However, the site was not included in the draft Plan, nor considered by the Inspector at the LPP2 Examination. The

site was also put forward as part of the ongoing LPP2 Limited Update. Given its size and delivery timeframe the site it was considered unsuitable within the context of the Limited Update and has not been included in the Mendip Local Plan Part II (Sites and Policies) Limited Update submission (September 2024)

- 10.1.3 The application site is currently open countryside and in agricultural use, with dispersed residential properties and farm buildings. Other than a small part of the application site located to the north of Little Keyford Lane (LPP2 Site Allocation FR7) the site is not allocated for development in the adopted Local Plan and lies outside the defined development limits of Frome. In addition, the proposal does not meet the criteria set out in Core Policy 4 in respect of development in rural locations. Accordingly, the proposed development is a departure from the development plan.
- 10.1.4 Core Policy 1(3) states that in identifying land for development, the emphasis is on maximising the re-use of land within existing settlement limits, and then at the most sustainable locations on the edge of the identified settlements. Any proposed development outside the defined development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 10.1.5 The application site is located on the edge of Frome which provides a range of services including shops, schools, medical facilities and employment space. This includes retail and employment opportunities located close to the site at Wessex Fields. Frome town centre and local schools are accessible by foot and bike, with two bus routes running along the western edge of the site and a local bus service to the north of the site connecting with the town centre and other facilities including the Frome Medical Centre. However, public transport services are infrequent (minimum half-hourly) and there is currently no bus service connecting the SGC site with Frome railway station. Whilst distances and local topography mean that, under current circumstances, travelling from parts of the site to the town centre and beyond is likely to be by car, a range of services are available, within a 10-15 minute walk from the centre of the application site at Wessex Fields where there are also bus routes connecting with other parts of the town. Frome railway station is a 30-35 minute walk/10 minute cycle ride from the centre of the site and provides direct and connecting services to a range of destinations. In the circumstances the SGC site and Frome as a whole is considered to be a generally sustainable location.
- 10.1.6 As noted above, the site is located outside the defined development limits of Frome (i.e. where development will be strictly controlled) although Core Policy 1(3) also states that development will be permitted where it benefits economic activity or extends the range of facilities available to the local communities. The proposed development includes 6.7 hectares of employment land including a dedicated employment area at the south eastern edge of the site as well as a range of other employment uses including offices located within and around a 'community hub' and mixed use areas elsewhere through the site. Whilst this site is not allocated in the Local Plan, and the proposed floorspace is in addition to sites allocated in Frome

identified under Policy CP3 (Supporting Business Development and Growth) and Policy CP6 (Frome Town Strategy), the SGC development would support the provision of employment opportunities in close proximity to the town, benefitting economic activity in accordance with the objectives of Core Policy 1(3).

10.1.7 Facilities within the proposed development also include shops, community space and school. These facilities are sized to principally serve the needs of residents of the development, rather than compete with existing centres in Frome. However, they will also be available to the existing local community as will the new areas of public open space within the site.

10.1.8 The majority of the site is not allocated for development in the adopted Local Plan and is contrary to the spatial strategy as set out in the Local Plan. However the site, located adjacent to the existing built area of Frome, is a generally sustainable location and the provision of employment space and a range of other services and public facilities on the site are considered to weigh in favour of the principle of development.

10.2 Housing

Current Housing Land Supply

10.2.1 The NPPF (para. 69) states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Core Policy 2 (Supporting the Provision of New Housing) states that provision over the plan period (2006 to 2029) will be made for a minimum of 9,635 additional dwellings across the district with a minimum of 2,300 homes (105 dwellings per annum) in Frome. Core Policy CP6 provides a breakdown of the 2,300 new homes to be delivered in Frome with around 1,700 homes on previously developed sites and other urban land within the existing development limits and the balance on specified greenfield sites. LPP2 identifies additional housing sites outside, but adjacent to, Frome's development limits with sites FR2 and FR3a located adjacent to the application site and underway. The construction of new homes is currently underway on FR2 to the north of Little Keyford Lane

10.2.2 The NPPF (para. 60) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In respect of maintaining supply and delivery, the NPPF (para. 77) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. Para. 77 and 79 indicate that the 5-year housing requirement should take into account housing delivery against national or local targets in the previous three years.

10.2.3 The Housing Delivery Test for the Somerset East area as a whole shows that, whilst delivery was ahead of target for the periods 2015-2018 to 2017-2020, for the most recent period (2019-2022) housing delivery has been below target at 76%. The NPPF (para. 79b) requires that in these circumstances, an additional 20% buffer is applied (effectively requiring a 6-year supply). Monitoring of housing completions for Frome itself shows 1,968 net dwellings (private and affordable) had been delivered in the plan period (2006-2024). Delivery over the last 5 years (2019-2024) of 466 homes equates to 93 dwellings per annum. Whilst this was below the target rate for Frome (105 dwellings per annum), over the plan period to date, the delivery has been above this at 116 dwellings per annum demonstrating that there has been no historic under-delivery in Frome. The Somerset – East Area Statement on Five Year Housing Land Supply (October 2024) identifies a Local Housing Need Requirement of 547 dwellings per annum.

10.2.4 When the 5-year land supply requirement for Somerset East as a whole (2,406) is compared with the national Local Housing Need figure (3,282) this shows a land supply of 3.67 years. This equates to a shortfall of 876 dwellings. As the Council is unable to demonstrate a 5-year housing supply, as set out in NPPF para 11d, the tilted balance is engaged in the assessment of the application. That means that planning permission should be granted unless policies that protect areas or assets of particular importance provide a clear reason for refusing permission or that any adverse impacts of granting permission would **significantly and demonstrably** outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Mendip Local Plan Part 2 Limited Update

10.2.5 Although the new Local Plan is in its early stages, the Council is progressing a limited update to LPP2 to identify additional sites for delivery by 2029 in accordance with the High Court ruling. As evidence to the LPP2 update in summer 2023, the Council issued a 'call for sites' and (as noted above) the SGC site was put forward by the Applicant. Together with other sites, it was the subject of a strategic assessment by the Council against policy, infrastructure and delivery criteria. This process identified a number of constraints and uncertainties affecting the SGC site. However, given its scale and the fact that it would substantially deliver beyond the plan period the site was not included in the Limited Update. The identified constraints and uncertainties are addressed elsewhere in this Committee report.

10.2.6 Notwithstanding the conclusion regarding the suitability of the SGC site in the context of the LPP2 Limited Update, the 'call for sites' highlighted the scarcity of medium to long term brownfield sites for housing in the area and that no comparable mixed-use larger scale planned developments are proposed in Somerset East.

Somerset Local Plan

10.2.7 The Somerset Local Development Scheme (October 2023) ('LDS') sets out a programme for the new Local Plan. Whilst this is subject to change, the LDS timetable currently has evidence gathering in 2024 through to 2025, publication of the Regulation 18 draft Plan in April 2025 and the Regulation

19 Plan in October 2026. The Local Plan is to be submitted for Examination in March 2027, with the Inspector's report anticipated in February 2028 and adoption of the new Plan in March 2028. Given the timeframe of the currently adopted Local Plan (to 2029), the programme for the preparation of a new development plan (adoption by March 2028) and the projected programme for the delivery of the SGC development (15 years) consideration needs to be given as to whether the SGC proposals are premature and whether to approve the application would prejudice or otherwise predetermine the preparation of the new development plan.

- 10.2.8 The NPPF (para.49) states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; **and**
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 10.2.9 The NPPF (para.50) goes on to state that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 10.2.10 Objection has been raised both to the scale of the proposed development (and impact on the character of the town) and its promotion outside the Local Plan process. In terms of its overall scale, based on the average household size 1,700 homes equates to a future population of around 4,000 people when fully built out, about 15% of Frome's current population of around 28,000. The scale of the proposed development is therefore significant and representing approximately 70-75% of Frome's current Local Plan allocation (2,300) and 15% of the total district-wide housing requirement. The scale of development could therefore potentially meet the first part of the test set out in NPPF (para. 49) i.e. *"the development proposed is so substantial ... that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan."*
- 10.2.11 It is relevant to note however that the two parts of NPPF para. 49 are to be read together i.e. in addition whether *"the emerging plan is at an advanced stage ..."*, and also with para. 50. Work on the new Local Plan is at an early stage and based on the current LDS submission for Examination is 3 years away. In the circumstances it is considered that part b) of the NPPF para. 49 test does not apply in this case. In addition, and notwithstanding the scale of development and number of new homes proposed in this application, given Frome's status as a principal settlement together with the significant shortfall in delivery of housing in the Somerset East area, it is considered

that it would not be justified to refuse planning permission on grounds of prematurity.

Housing Mix

- 10.2.12 NPPF (para. 64) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Local Plan Policy DP11 (Affordable Housing) states that the Council will negotiate a contribution towards meeting the district's affordable housing need from all housing proposals, with 30% of the total number of new homes to be affordable and provision on-site (or a combination of on-site provision and development contribution). On site provision will be on the basis of no public subsidy and a tenure split of 80% social rented, 20% intermediate. Affordable housing is also to be fully integrated with associated market housing through the overall scheme design. The NPPF (para. 66) states that on major development involving the provision of housing at least 10% of the total number of homes should be available for affordable home ownership (First Homes).
- 10.2.13 Local Plan Policy DP14 (Housing Mix and Type) states that proposals for residential development should provide an appropriate mix of dwelling types and sizes to reflect identified local need in Somerset East including for small family sized units and housing suitable for older people.
- 10.2.14 The application proposes the following indicative mix (percentages may not sum due to rounding):

Size	Market		Affordable		Overall	
	No.	%	No.	%	No.	%
1-bed flat	0	0%	172	34%	172	10%
2-bed flat	29	2%	31	6%	60	4%
2-bed house	298	25%	127	25%	425	25%
3-bed house	599	50%	141	28%	740	44%
4-bed house	159	13%	39	8%	198	12%
5-bed house	17	1%	0	0%	17	1%
Self-Build	88	7%	0	0%	88	5%
Total	1,190	70%	510	30%	1700	100%

- 10.2.15 The application proposes that 30% of new homes are affordable. To comply with the current NPPF (December 2023 para. 66 and associated Ministerial Statement, May 2021) the Applicant proposed a tenure split of 67% Social Rent (20% of total housing), 25% First Homes (8%) and 8% Shared Ownership (2%). The Council's Housing Enabling team reviewed the proposed affordable housing mix and advised that taking account of the First Homes requirement and local housing needs data the proposed tenure and dwelling size mix was acceptable.
- 10.2.16 Since this was agreed, the new Government has issued a draft NPPF (July 2024) which deletes reference to the Ministerial Statement (which required at least 25% of affordable homes and to take priority over other affordable housing products) and that 10% of homes are to be available for affordable

home ownership. Given the shift in policy guidance, the Applicant has proposed a tenure split of 70% Social Rent: 30% Intermediate. This is not in strict accordance with Policy DP11 (which sets out an 80% Social Rent:20% Intermediate split). The Housing Enabling Team have reviewed the amended tenure mix which is considered acceptable in principle. They have also identified a preferred dwelling size mix to include the provision of larger (5-bed) houses and adapted housing for disabled. If permission is granted, the affordable housing would be secured via a s.106 agreement including detail on affordable homes on a phase-by-phase basis, the timing of the delivery and clustering to ensure provision throughout the development and in an acceptable form. These requirements are reflected in the s.106 Heads of Terms (see Section 10.14 below).

- 10.2.17 Frome Town Council have proposed that 40% of housing in the SGC development should be affordable. However, this is not in accordance with Policy DP11 of the adopted Local Plan and therefore there is no policy basis on which to require this. Objectors have also raised the issue of the affordability of the affordable homes as well as questioning whether they will actually be built. As noted above, the housing mix includes 70% of the affordable homes as social rent, to be secured through S106 planning obligations. Details of the affordable housing including its integration within the wider scheme design will be secured through the reserved matters applications that will be guided by the DPF and detailed Design Codes.
- 10.2.18 Under the Self Build and Custom Housebuilding Act 2015, local authorities have a duty to grant permissions to meet the identified demand for such housing. Local authorities are also required to keep a register of those seeking to acquire serviced plots for their own self-build and custom house building. The Somerset East Self Build and Custom Housebuilding Register has a significant number of people registered, with the highest number identifying Frome as their preferred location. However, no self-build plots have been granted permission in the town. LPP2 site FR7, which forms part of the proposed SGC development, is identified for self-build housing and the inclusion of self-build plots within the SGC development responds to the need for and interest in this type of housing. Given that the proposed market housing size and type is only indicative, the provision of self-build and custom housing would need to be secured through a s.106 legal agreement.
- 10.2.19 The supporting text to Local Plan Core Policy 2 notes that the Council does not intend to impose a rigid housing density policy for new residential developments which should primarily be established through careful consideration of local context, local character and specific site conditions. As a guide, the net density of new housing development (i.e. the developable area excluding roads, footpaths and other public areas) should aim to be equal to or greater than 30-40dph on sites within towns and 25-30dph in rural areas. The SGC development proposes a range of densities from 21-60dph dependent on the location, site conditions and type of housing to be provided across the site and is considered to be consistent with guidance in the Local Plan.

10.3 Employment Space and Other Land Uses

Employment Space

- 10.3.1 The NPPF (para. 85) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Local Plan Core Policy 3 states that proposals for economic development that accord with the Spatial Strategy will be supported and Core Policy 1(3) states that any proposed development outside the development limits, will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 10.3.2 The application proposes a range of employment floorspace across the site comprising up to 23,000m² of Class E(g) office, research and development, light industrial, B2 (general industrial) and B8 (storage) floorspace; up to 2,250m² of Class E(g) floorspace; up to 250m² each of Class E retail and restaurant/café, up to 350m² of Class E dentist and up to 250m² Class F2 local community space; and up to approximately 3,000m² of Class E(g) employment space.
- 10.3.3 The principal area of employment space is proposed on land between the River Frome and the railway line at Blatchbridge, accessed from the B3092. This area is identified for a mix of employment uses including general industrial and storage purposes. Another smaller area of employment floorspace is proposed the north of Paddles Lane. This is in response to comments from the Health and Safety Executive regarding risks from a site on the southern side of the A361 that prevent this area from being developed for housing. Given its adjacency to an area of proposed housing within the development, this has been identified for Class E(g) use (i.e. uses which can be carried out in a residential area without detriment to its amenity). A range of other non-residential uses are proposed within or adjacent the Community Hub (retail and restaurant/café, dentist, local community space) in addition to a First/Primary School and Nursery. There is also the potential for other non-residential uses across the site in areas identified as 'residential-led mixed use'.
- 10.3.4 Although the SGC site is not allocated for employment space in the adopted Local Plan, it is considered that the inclusion of a range of employment space is a positive aspect of the scheme that would support the overall strategy for the local economy. The number of jobs that could be supported by the new employment space will be dependent on the type of premises that are constructed and the type of business occupying the space. Adopting a figure of 50sq.m per person, the ES estimates that the employment space (Class E, B2 and B8 uses) would support around 565 full time equivalent (FTE) jobs with an additional 200 FTE jobs in other employment generating space including retail, education and care homes. The ES concludes that the economic impact of the proposed development will be long term, permanent and major beneficial. Not all these jobs would be new to Frome with the space on site providing opportunities for existing businesses to upgrade and/or expand their existing premises, potentially retaining businesses which would otherwise have to relocate.

- 10.3.5 In addition, there would be job opportunities during construction and, based on research into employment supported by house-building, the ES estimates 290-375 jobs would be created/sustained every year over the 14-year build programme as a result of the housing construction element of the proposals alone. Based on a forecast build cost for the development as a whole, the ES estimates around 411 FTE jobs will be created during construction. The ES concludes that the jobs created through construction, as well as those created through the supply chain, will have a moderate beneficial effect.
- 10.3.6 Objections have been raised to the SGC development on the grounds that residents of the development will work outside Frome, adding to the amount of out-commuting from the town to Bath and other locations, particularly by car. Whilst there will inevitably be residents of the SGC development who will not work in Frome, the SGC development includes a dedicated employment area as well as other employment space across the site, and these, together with the growth of home-working, have the potential to provide local employment opportunities for existing and new residents of the town.
- 10.3.7 Objection has also been raised to the location of the access point to the main employment area off Blatchbridge Road, including issues of road safety and noise. The site access (considered in more detail at 10.4.12) will be located between existing properties that are located outside the boundary of the SGC development and will remain. There is also an existing access immediately to the south that serves buildings and uses at Blatchbridge Farm which is also located outside the boundary of the SGC development. Whilst the existing conditions will change, with commercial and other vehicles accessing the site on a regular basis, the number, type and frequency of movements will depend on the businesses occupying the employment space. There is scope, if required, to incorporate noise attenuation and/or landscape buffers between the proposed access road and the existing properties.
- Social Infrastructure
- 10.3.8 Local Plan Policy DP19 (Development Contributions) states that the Council will support the delivery of local infrastructure in line with new development and mitigate or compensate for the effects that new development may have. This includes education and health (as well as physical infrastructure such as roads and water services).
- 10.3.9 The application proposes the provision of a 2 form entry First/Primary and Nursery School on the site and a contribution to school places for older age groups to expand existing facilities in Frome. Both on and off-site provision/contributions would be secured through S106 planning obligations. The Education Department have reviewed the proposals and advised on the levels of contribution required for the different age groups as well as the land required for an on-site First/Primary and Nursery School (2.1 ha) and these have been agreed with the Applicant. The School would be designed to the Council's design and sustainability specifications with construction either by the developer and the School and land being then transferred to the Council or a serviced site could be provided for the Council to build the school.

Details would be set out within a s.106 legal agreement to cover different delivery options.

- 10.3.10 Current forecasts indicate that spaces for First/Primary and Nursery age group children from the first phase of the development could be met through existing capacity at neighbouring schools and the Applicant proposes that the new School would be delivered during the second phase of development. There are difficulties in forecasting pupil numbers and education space requirements over the 15 year construction programme of the SGC development as well as uncertainties regarding the availability of school places. Accordingly, given the changing context in terms of available places it is proposed that, if it is resolved to grant permission for the development, the final arrangements are agreed at the time of the grant of permission including a review mechanism for later phases of the development.
- 10.3.11 A number of objections to the application have been made on the grounds that the proposed provision of a school on the site will not be realised, citing the Southfields Farm development as a precedent. Given the proposed scale of development in this case (1,700 new homes) it is considered that there will be a continuing need for a First/Primary and Nursery School on the site. This is acknowledged by the Applicant, with land identified on the Parameter Plans and delivery to be secured through a s.106 legal agreement.
- 10.3.12 In terms of medical/health facilities the application includes space for a dental practice on site. However, no on site space or off site funding contribution is proposed for a doctor's surgery. A significant number of objections to the application are on the grounds that existing health services in Frome are unable to cope with existing demand and that the SGC development will compound the problem. The NHS have been consulted on the application and responses received from the Somerset Integrated Care Board (covering primary care services) and Royal United Hospitals Bath NHS Foundation Trust (covering acute and specialised services). The Somerset Integrated Care Board have advised that there is sufficient infrastructure capacity for primary care services in Frome to serve the additional population from the SGC development and they would not be seeking a contribution from the SGC development. The Royal United Hospitals Bath has advised that the Trust is operating at nearly full capacity, that increased demand arising from the SGC development will impact on the provision of planned and acute healthcare services and there are not sufficient resources within the existing services to accommodate population growth created by the development. Accordingly, a funding contribution to support the provision of acute health services, to be secured through a s.106 agreement, is recommended.
- 10.3.13 Notwithstanding concerns raised regarding the lack of a doctor's surgery on site, in the light of the representations from relevant organisations, it is considered that appropriate funding has been secured to support medical services. It is also relevant to note that the application includes a range of Class E commercial space across the site that could be occupied as offices, retail or medical services. Given the lead-in time to this space becoming available, occupiers of this space have yet to be identified. However, this

could potentially be occupied by a medical practice, satellite services or a pharmacy if there was demand.

10.4 Access and Transport

10.4.1 The NPPF (para. 114) states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.4.2 Local Plan Policy DP9 (Transport Impact of New Development) states that development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport, particularly by means other than the private car. Development proposals will be supported where, amongst other matters, they avoid causing traffic or environmental problems within the wider transport network or generating a requirement for transport improvements which would harm the character or locality; and avoid direct access on to a national, primary or county route where the proposals are outside designated development limits, unless this is essential for the type of development proposed and mitigation on and off site is fully undertaken as part of the development. LPP2 Policy DP27 (Highway Infrastructure Measures for Frome, Beckington and Rode) states that key infrastructure measures will be provided during the plan period in order to support the delivery of the development strategy for Frome at the A36 Beckington and White Row roundabouts.

10.4.3 A significant number of objections to the application raise the issue of the impact of the proposed development on the local road network, both within Frome as well as on routes in the wider area. This relates to issues of highway capacity and congestion, road/junction safety as well as wider sustainability issues including reliance on the use of private cars.

Sustainable Transport and Active Travel

10.4.4 One of the strategic objectives of the Local Plan is to improve accessibility by means other than the private car by ensuring that the majority of new developments (particularly major traffic generators) are located so as to be accessible by a range of transport modes, and to create safe and convenient footpath and cycleway networks, ensuring that new development encourages walking, cycling and the use of public transport. The NPPF (para. 114) states that in assessing applications, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location; and (para. 116) that applications should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Frome Town

Council's Local Cycling and Walking Infrastructure Plan (2023) locates the SGC site beyond a 20 minute walk of Frome town centre and the northern parts of the site being within a 10 minute cycle ride.

- 10.4.5 Currently the application site is not served by public transport, although there are two bus services running along on its western edge and a service to the north with bus stops approximately 400m and 500m away respectively at the closest point. Frome train station is approximately 2.5km from the application site but not currently connected to the site by a bus service. This application proposes the extension of the existing No. 30 Bus service into the site, thereby providing a direct link with the town centre as well as extending the route to include the railway station and Frome Medical Centre. It is also proposed to increase the frequency of the service from 30 to 20 minutes weekdays and Saturdays. This service is currently funded by Somerset Council and the Applicant proposes supporting the service for 5 years with funding provided on a tapering basis. Another measure to provide an alternative to the use of the private car and reduce the demand for car ownership, is to fund Car Club serving the site for a period of 3 years.
- 10.4.6 The TA includes a non-motorised audit of a number of potential active travel routes in the vicinity of the site and proposes a number of measures to promote non-car modes of transport or alternatives to the use of private cars. Funding is proposed towards active travel infrastructure on site, including the provision of E-scooters and/or E-bikes for local journeys, public E-Cycle charging points and active travel routes through the site as well as linking to existing routes beyond the site. Off site, a number of potential projects on routes between the site and Frome town centre, the railway station and Oakfield Academy have been identified to encourage and support their use by pedestrians and cyclists. These measures and contributions are identified in a Travel Plan Statement that proposes the production and implementation of full Residential, Employment and School Travel Plans to be secured through a s.106 legal agreement.
- 10.4.7 To promote active travel and walking, it is proposed that existing lanes through the site (Little Keyford Lane and Paddles Lane) become 'greenways' providing access to existing retained properties only and that a network of other active travel routes are created within and linking the development parcels. Existing footpaths and bridleways within the application site (FR 14/39, FR 14/39A and FR 14/40) would be retained and incorporated into the green infrastructure network. A small section of Bridleway (FR 14/UN) would be affected by the new access from the A361. However, the new junction has been designed to include a signalised pedestrian and equestrian crossing allowing safe access across the A361 which is currently uncontrolled. The Council's Rights of Way Officer has noted that any diversions would need to be approved under the Highways Act 1980 and has recommended a planning condition requiring confirmation of a footpath diversion order before works that might interfere or compromise the use of these routes. They also recommend an Informative regarding encroachment onto PROWs. These various measures and contributions would be secured through planning obligations and taken together will support alternative travel modes for residents and visitors to using private cars.

- 10.4.8 Local Plan Policy DP10 (Parking Standards) states that new development will be supported where vehicle parking is proposed which is appropriate to the operational needs of the development having regard to the objectives of reducing growth in the use of private vehicles and promoting alternative means of travel and the need for on-site provision to prevent problems of highway safety, congestion or visual intrusion in the vicinity of the site. As an outline application, there are no details of layout within the development parcels nor the design of buildings. However, the DPF provides guidance on the parking strategy in terms of the general location (on street, on plot or parking court) and layout of the character areas rather than parking ratios with the aim of integrating parking provision (and electric vehicle charging) into the design of the streets and buildings.

Site Access

- 10.4.9 The application proposes four points of access into the site: from the B3090 Marston Road, A361 Frome bypass, B3092 at Blatchbridge and Little Keyford Lane. In response to comments on the original proposals, the application was amended to remove any development to the south of the A361 (and removal of the arm of the proposed roundabout serving this land) and private vehicle access to the site from Little Keyford Lane was removed allowing access for buses, cyclists and pedestrians only.
- 10.4.10 The Marston Road access would involve the construction of a roundabout located just to the east of the existing junction with Marston Lane and Paddles Lane. Marston Lane would remain as a no-through road and provide access to the Mason's Arms as well as residential properties as existing. Paddles Lane would remain as existing, providing access to existing properties only and designated as a 'greenway' to encourage use by pedestrians and cyclist. The existing layby on Marston Road (immediately to the east of its junction with Paddles Lane) would be incorporated into the carriageway which is deflected slightly in the entry to the roundabout. A Zebra crossing to the west of the new roundabout would provide a safe crossing point for pedestrians/cyclists between the SGC development and Marston Lane. This would also provide access to the existing footway on the north side of Marston Road (there is no footway on the southern side or on Marston Road between the Paddles Lane/Marston Lane junction to the A361 roundabout). An uncontrolled pedestrian crossing is proposed to the east of the proposed roundabout. It is also proposed to change the speed limit on Marston Road from 60mph to 40mph to the west of Paddles Lane and from 40mph to 30mph. It is considered that the access proposals are acceptable.
- 10.4.11 Access to the site from the A361 Frome bypass would be via a roundabout located just to the west of Vinney Lane, incorporating a signalised Pegasus crossing for pedestrians, cyclists and horse riders located to the east of the new roundabout. Vinney Lane crosses the A361 but is currently gated either side of the road and it is proposed that vehicular access to the A361 from Vinney Lane is permanently closed, with access to existing properties being maintained via the B3092 from the north and via Bulls Quarries Road from the south. The signalised crossing will provide a safe crossing point for

pedestrians, cyclists and horse riders and connecting with an existing public footpath on the south side of the A361.

- 10.4.12 Selwood Parish Council have raised concerns regarding the proposed access, in particular the impact on lorries having to slow down approaching the roundabout from the east and then struggling to make it up the slope to the Marston Road roundabout. They propose a 'crawler lane' is constructed to accommodate slow moving vehicles, in particular lorries from local quarries, and reference other roads in the area with crawler lanes. It is relevant to note however that the gradient is less steep than other sections of local roads, including parts of the strategic road network without crawler lanes and providing a crawler lane between the A361 site entrance and Marston roundabout is highly likely to require third party land. It is considered that the benefits of constructing an additional lane on this section of the A361 are outweighed by the cost and environmental impact.
- 10.4.13 It is relevant to note that there is an existing footpath that crosses the A361 (to the west of Vinney Lane) and a footpath/bridleway opposite the junction on the A361 Little Keyford Lane/Paddles Lane (to the east of the junction of Bulls Quarries Road and the A361). Both of these involve uncontrolled / informal crossings of the A361 and it is proposed that these existing routes and form of crossings are maintained. Whilst there are existing safety issues with crossing the A361 in these locations that would remain, new footpaths and cycleways within the main part of the SGC site link with proposed areas of open space and the proposed Pegasus crossing at Vinney Lane is within 300-500m providing a safe and accessible crossing point. It is considered that the access proposals, incorporating the Pegasus crossing, are acceptable.
- 10.4.14 Access to the main area of employment space, to the south of the River Frome, is proposed via a priority junction on the B3092/Blatchbridge Road just to the south of the Cross Keys public house. The proposals incorporate a proposed re-prioritisation of traffic movements, with priority to vehicles accessing/leaving the employment site. Accordingly, vehicles travelling between Frome and the A361 would give way to traffic leaving the employment site. Likewise, vehicles travelling from the A361 towards Frome would be required to give way to and turn across traffic leaving the employment site. It is also proposed to reduce speed limits along the B3092/Blatchbridge Road from The Mount to the A361 from 60mph to 30 mph.
- 10.4.15 Selwood Parish Council has proposed that alternative access points to the employment site, either from the proposed new roundabout on the A361 or from the existing Blatchbridge roundabout. Both would involve significant new infrastructure with the need for new road building and bridging over either the River Frome or the railway line with the associated costs and environmental impacts. Accordingly, neither are considered appropriate, particularly when an acceptable site access of the existing road network is available. It is considered that the junction layout including the proposed re-prioritisation at the junction is acceptable and that the reduced speed limits are appropriate.

10.4.16 Access to the site is proposed on Little Keyford Lane just to the west of the lane connecting to the B3092. This will incorporate a bus gate restricting access to the SGC development at this point for buses, pedestrians and cyclists only. A new access is also proposed from Little Keyford Lane to the small development parcel (FR7) on the north side of the lane. Little Keyford Lane would be retained as existing, permitting access to existing dwellings on Little Keyford Lane only, with a priority junction at the new access to the land to the north of Little Keyford Lane. It is considered that the access proposals are acceptable and that restricting access to the SGC development for buses, pedestrians and cyclists only will significantly limit traffic from the development travelling to/from Frome via Little Keyford Lane/Mount Pleasant. Given the narrowness of the existing lane as it approaches the site this layout is considered acceptable.

Highway Impacts

10.4.17 The application is supported by a Transport Assessment (TA) that has considered the impact of traffic from the development on the local road network using VISSIM to model traffic movements. As a dynamic traffic model, this models the flow at each junction, the level of service on each junction, and journey times across the area taking the average from a number of runs to account for variability in vehicle interaction and junction arrival/departure times. The geographical extent of the VISSIM model is from roads leading into junctions on the A361 (at the Marston Road, Blatchbridge, Berkley, Commerce Park roundabouts as well as junctions with Rodden Down/A362 and Feltham Lane) and the A3098 (towards Chapmanslade, Clink Road and Berkley Street). Within Frome, the model includes Marston Road/The Butts to the town centre, as well as Rossiter's Road and Lock Hill to Portway, and Culver Hill through Gorehedge to the town centre as well as a number of roads connecting with these main routes.

10.4.18 In order to prepare the model, the TA has made a number of assumptions regarding trip generation and trip distribution as well as modal split. Based on a range of measures to support sustainable modes of travel (summarised above) the TA identifies a number of targets for modal shift from the 2011 ONS mode split data for Frome. In summary these are:

- Home Working – at least 20% of all residents of SGC to work from home on a regular basis
- Self-Containment of Travel – 22% in the AM peak hour and 15% in the PM peak hour of travel made by residents of SGC to be contained within the scheme
- Travel to work mode shift targets:

Walking	increase from	16% to 20%
Cycling	increase from	2.4% to 10%
Bus	increase from	3.3% to 5%
Rail	increase from	1% to 2.5%
Single Car Occupancy	reduction from	67% to 45%
Car Sharing	increase from	6% to 10%

10.4.19 The modelling considers a number of scenarios examining traffic flows in March 2020 (Base year) and in 2029 without the development (i.e.

background growth only) and with the development (assuming it is fully built out). The use of the March 2020 traffic data (i.e. immediately pre-Covid) rather than March 2019 was challenged by the Council. However, it was demonstrated that the hourly volume of traffic through the majority of junctions was similar for the two datasets and the March 2020 data shows higher traffic volumes over the study area as a whole. Accordingly, it was agreed to use the March 2020 data in the modelling.

- 10.4.20 The TA including the assumptions and inputs on which the modelling has been undertaken has been reviewed by consultants on behalf of the County Roads and Transport team. Following the submission of further information, the methodology for undertaking the traffic impact assessment, the approach to trip generation and distribution and the modelling work to assess the impact of the site on the highway network are considered robust. Additional modelling work has been undertaken in response to comments and a holding recommendation from National Highways in respect of impacts on the strategic road network (A36) and specifically the Beckington and White Row roundabouts.
- 10.4.21 NPPF (para. 115) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The high level modelling shows that with the SGC development there would in total be approximately 1,700 (15%) and 1,450 (12.5%) extra vehicles per hour during the AM and PM peaks (08:00-09:00 and 16:45-17:45) respectively. This would be distributed on a number of routes across the network as a whole including on the A361, the B3092 through Blatchbridge, Marston Road to the centre of Frome, The Butts to Locks Hill, Broadway to Warminster Road and Styles Hill to Berkely Street. This would impact on journey times and speeds throughout the model area with an average increase in delay of 6 seconds or 8%.
- 10.4.22 Further detail is provided on journey times (in each direction) on eight different routes across Frome based on the 'with' and 'without' development scenarios. Longer journey times are forecast on the majority of routes in both the AM and PM peak although the modelling shows a number experiencing a small increase (1-10 seconds) and two experiencing slight decreases. The proposed introduction of a roundabout on the A361 (combined with a proposed reduction of the speed limit on the eastern section of the A361 from 60 to 40 mph) results in an increase in journey times of around 30 seconds eastbound and 1 minute westbound in both the AM and PM peak.
- 10.4.23 A number of other routes show increases in journey times of at least 60 seconds and one (Berkely Street to Styles Hill) showing an additional 2-3 minute journey time west bound in the PM peak. The latter is attributable to a long give-way delay at the Warminster Rd/Styles Hill junction as a result of the increase of the main traffic flow on Warminster Road as well as local road conditions. Other routes showing an increase in journey time of more than 60 seconds are between the A361/B3090 roundabout along Marston Road towards Frome town centre where the introduction of the roundabout

providing access to the site and a proposed change to the speed limit from the A361 from 60mph to 40 mph increases journey time from Frome town centre to the A361 of between 1-2 minutes in both the AM and PM peak (towards the town centre the increase is around 30 seconds). On the B3092 between Blatchbridge and Gorehedge journey times increase by between 1-2 minutes in both directions in both the AM and PM peak. This is as a consequence of the proposed reduction in the speed limit from 60 to 30mph between the existing built up edge of Frome and the Blatchbridge roundabout as well as partial traffic signal control at the A361-B3092 roundabout.

10.4.24 Turning movements through all the proposed new junctions are considered acceptable other than one turning movement on the A361 Frome bypass roundabout access in the PM peak which is approaching capacity. Given that this only affects one turning movement this is not considered to be an unacceptable impact of the development.

10.4.25 An assessment has also been made of capacity at a number of junctions across Frome. The modelling shows the following junctions experiencing small scale capacity issues and, where appropriate, mitigation is proposed to address this:

- Somerset Road/The Butts priority junction right turn – given the short queue length no mitigation is proposed.
- Rossiter's Hill/Locks Hill (Beehive) signal junction – traffic volumes at this junction increase by approximately 20% (200 vehicles) in the AM peak and by 6% (165 vehicles) in the PM peak with queue lengths generally doubling but ranging from an increase of around 1% to 150% depending on the arm. The impact is quantifiable, however it is not considered to be severe and given that the highway boundary is constrained in this area no mitigation is proposed however it is recommended that the County keep the performance of the signals under review and make adjustments if required.
- Rodden Down/Warminster Road priority junction – the greatest level of delay occurs on the right turn out of Warminster Road in the PM peak however the impact is not classified as severe and no mitigation is proposed.

10.4.26 Junctions shown to experience more severe capacity issues (i.e. on a majority of link/turn movements) and, where appropriate, the mitigation proposed to address this are:

- A361/B3092 Blatchbridge roundabout – all links show capacity issues and partial signalisation is proposed.
- A361/B3090 Marston roundabout – the roundabout operates satisfactorily on two out of three arms and flaring of the B3090 arm is proposed as mitigation.
- B3090 Marston Road/Marston Lane/Sandys Hill Lane roundabout – the roundabout operates satisfactorily on three out of four arms however the B3090 southbound arm experiences severe capacity issues with vehicles making a left movement onto Sandys Hill Lane in the PM peak. Scope to improve conditions are constrained by the highway boundary and it is recommended that the performance of the junction is kept under

review with mitigation through measures in the Travel Plan such as vehicular demand management.

- B3090 & A362 Gorehedge Gyrotory and Bath Street mini roundabout – whilst the junctions generally operate satisfactorily, the A362 westbound right turn experiences capacity issues in the AM and PM peak. Traffic signals are proposed at Garsdale/Gorehedge as mitigation although the final measures will be dependent on the solution proposed with the Saxonvale development.
- A362 Portway/Locks Hill Signal junction – the priority junction operates satisfactorily on most approach arms in both peak periods however there are capacity issues on the Locks Hill arm in both peaks. Due to highway constraints no mitigation is proposed and given that capacity issues are not considered to be so severe as to warrant refusal it is recommended that the operation of the signals is kept under review.
- A362 Warminster Road / Styles Hill priority junction the priority junction generally operates satisfactorily in both peak periods with the exception of the Styles Hill arm which experiences a 40 to 60 seconds delay in the PM peak. This is not considered to represent such a severe impact as to warrant a refusal and mitigation in the form of vehicular demand management through the Travel Plan is recommended.
- A362 Rodden Down/A361 Frome bypass priority junction – the junction was generally operating within capacity other than the A362 right turn movement. Accordingly, no mitigation is proposed.
- A361/Clink Road Berkeley Roundabout – this junction experiences severe capacity issues in the PM Peak an average delay per vehicle of over 50 seconds. Signalisation of this junction is proposed as mitigation to achieve an acceptable level of performance.

10.4.27 In summary, the proposed mitigation has been identified as:

Highway interventions

- A361 Blatchbridge Roundabout
- A361 Marston Roundabout
- Gorehedge and Bath Street

Non-highway interventions

- B3090 Marston Road / Marston Lane / Sandys Hill Lane Roundabout
- A362 Warminster Road / Styles Hill Priority Junction
- A362 Rodden Down / A361 Frome Bypass Priority Junction

10.4.28 It is proposed that the level of contribution towards the cost of highway works is based on the average increase in traffic volume (in the AM and PM peaks) attributable to the SGC development as a proportion of the cumulative impact of all Local Plan sites and traffic growth that contribute to the junction's performance. Contributions would be secured through a s.106 legal agreement and are set out in more detail below (Section 14).

10.4.29 As noted above, Local Plan Policy DP9 makes reference to avoiding causing traffic or environmental problems within the wider transport network or generating any requirement for transport improvements which would harm the character or locality. The proposed mitigation works can be contained

within the existing highway boundary and the works (signalisation, limited lane flaring) are limited in scope and scale and it is considered that they will not harm the character of the locality.

10.4.30 Specific concerns have been raised about the A361/A362 junction (where there have been a number of collisions including fatal accidents) and traffic traveling through the wider area including through Chapmanslade to and from Westbury. The traffic modelling work indicates that the number of vehicles turning across the traffic at the A361/A362 junction (i.e. travelling north on the A361 onto the A362 or from the A362 onto the A361) attributable to the SGC development is relatively low compared to total traffic movements on the A361, approximately 60 per hour in the AM and PM peaks turning from the A361 onto the A362. Vehicles turning north from the A362 onto the A361 is approximately 35 per hour. Whilst total vehicles on the A361 will increase as a consequence of the SGC development, concerns around highway safety are largely due to the existing uncontrolled nature of the junction and a current issue rather than attributable to the SGC development.

10.4.31 In addition to traffic from the completed development, there will be construction traffic impacts that will occur over an extended period. Details of construction access to minimise disruption on existing residents and businesses as well as on future residents during the phased build out of the site will need to be submitted for approval as part of a Construction Environmental Management Plan prior to commencement of development.

Highway Impacts: A36

10.4.32 Local Plan Policy DP27 relates to the provision of highway works to maintain the performance of the White Row and Beckington roundabouts on the A36 to support the delivery of the development strategy for Frome. S.106 legal agreements for a number of sites in Frome include contributions towards the cost of the works and whilst the SGC development does not form part of development strategy for Frome, if approved, it would impact on the operation of the strategic road network. National Highways issued a holding recommendation on the application which effectively prevented approval of the planning application until they were satisfied that acceptable, deliverable and funded schemes to mitigate impacts on the operation of the A36 at the Beckington and White Row roundabouts have been agreed.

10.4.33 Additional modelling work has therefore been undertaken by the Applicant to identify mitigation to accommodate traffic from the sites allocated in the Local Plan and the SGC development and maintain the performance of the junctions. In addition to associated works (such as new signage, renewal of high friction surfaces and chevrons, road markings) the main elements comprise:

Stage 1

Lane widening (extended flare in to roundabout)

- Beckington A36 south bound
- Beckington A361 west bound (from Trowbridge)
- White Row A36 north bound

Stage 2 (implementation subject monitoring)

Lane widening (extended merge from roundabout)

- White Row A361 south bound

Partial signalisation

- White Row A36 north bound (in to roundabout)

10.4.34 The Stage 1 works would be implemented in full and be operational prior to the occupation of 400 dwellings or 6,500m² of commercial space at SGC, with implementation of the Stage 2 works dependent on the outcome of the monitoring of queue lengths at the White Row roundabout to identify if and when further works are required to maintain operational performance. Somerset Highways have reviewed the scope of these works and prepared preliminary costings based on other recent projects as well as a programme to deliver the works. At this stage, the overall cost (including fees and contingencies commensurate with the current stage of design) have been estimated by the Council at £4.23m. The cost of the works will be refined as detailed designs are developed and funded by s.106 contributions from other sites (secured under Policy DP27) with the balance met by the SGC development.

10.4.35 The scope of works, costings and delivery mechanism have been discussed and agreed with National Highways. Subject to finalising the detailed wording of planning conditions relating to the Stage 2 works National Highways have advised that they will be in a position to formally withdraw their Holding Recommendation.

10.5 Landscape Impacts

10.5.1 The NPPF (para. 180) states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, recognising the intrinsic character and beauty of the countryside. Local Plan Policies DP1-DP10 aim to protect the area's distinctive character and promoting better development. Local Plan Policy DP1 (Local Identity and Distinctiveness) states that proposals should be formulated with an appreciation of the built and natural context of their locality recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity. Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it and the wider benefits which would arise from the proposal if it were approved.

10.5.2 Local Plan Policy DP4 (Mendip's Landscapes) states that proposals for development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported. Any decision-making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location. The Frome Town Design Statement (Q1) refers to the visibility of new development, noting that as Frome lies on the valley sides of the River Frome and climbs onto a ridge and that the views and vistas of the surrounding countryside and within the town of key landmarks and green

spaces are important and should be respected. Accordingly, any development should be considered in relation to its visibility from both within and from outside the town so that it is appropriate to its location and that any development adjoining the development limit or edge of the town should be planned and designed with the local community and key stakeholders to create a sensitive transition between the town and the countryside. The Frome Town Design Statement (Character Area The Mount/Little Keyford) identifies prominent views to the east as a special feature of this area.

- 10.5.3 The site is not within a nationally designated National Landscape area (formerly Area of Outstanding Natural Beauty) nor within or affecting the setting of locally designated Special Landscape Features. However, the site is within the wider setting of the Cranbourne Chase National Landscape (incorporating the International Dark Sky Reserve) approximately 2km to the south east and is visible from Cley Hill (approximately 6km to the east) a Scheduled Monument and Site of Special Scientific Interest (SSSI). To the south of the A361 is Marston House (Grade II*) and Marston Park (adjoining the application site on Bull's Quarries Road) is a Grade II listed Registered Park and Garden. The impact of the proposed development on these heritage assets is considered further below (Section 10.8).

National Landscape

- 10.5.4 Policy DP4 states that proposals in areas adjacent to the AONB (now 'National Landscape') will, depending upon their prominence in the wider landscape, be expected to demonstrate that their location and form do not compromise the setting of the designated area. Where the landscapes and landforms of the National Landscape area link and visually or functionally join with the surroundings, which may themselves be of significant landscape value, the setting of the National Landscape is an important contributor to its natural beauty.
- 10.5.5 The boundary of the National Landscape is approximately 2km from the proposed development and the intervening land to the south and east of the A361 is assessed in the Mendip Landscape Character Assessment (2021) as being of 'high' or 'very high' value. The application site is visible from the fringes of the National Landscape which is situated on rising land to the east which forms part of the Penselwood-Longleat Greensand Hills character area in the Cranbourne Chase AONB Landscape Character Assessment (2003). Extensive woodland (including areas of nationally significant ancient woodland), forestry operations and designed parkland are described as providing a unifying feature across the area and form a strong contrast to the open character of adjacent farmed landscapes. The AONB Character Assessment concludes that the landscape condition in this area is 'good' but notes that because of the area's proximity to local towns such as Warminster, Frome and Wincanton there is likely to be further pressure for new built development.
- 10.5.6 The Cranbourne Chase Board has objected to the application on the grounds of impacts on the National Landscape, both on its setting and directly through increased recreational use and impact on the Dark Sky Reserve. The north west edge of the National Landscape area is in an elevated position and

overlooking the application site. However, Frome is already visible in these views, albeit separated by the current agricultural landscape of the SGC site, with built development of the town spread along the ridge and extending down towards the River Frome. The SGC development would extend the built-up edge of Frome. However, the built development of SGC would be contained within the A361 and the landscape buffer of generally open farmland between the boundary of the National Landscape and the SGC site would be maintained. The A361 is fringed by trees and hedges and generally unlit (other than at the Marston and Blatchbridge roundabouts). However, it creates a physical, audible and from some locations visible barrier between the boundary of the National Landscape and the proposed development.

- 10.5.7 The Landscape Character Assessment for the former AONB was prepared over 20 years ago. However, the immediate setting of the National Landscape around Tytherington including Marston Park and further east towards Longleat is largely unchanged and would remain so were the SGC development approved. Accordingly, whilst the southern edge of Frome and extent of built development would move marginally closer to the boundary of the National Landscape, it is considered that given the intervening landscape buffer, the proposed development would not harm the physical integrity and special features of the National Landscape nor compromise its setting or the reasons why the area was designated in the first instance. In addition, the A361 provides a clear and defensible boundary containing the development.
- 10.5.8 The Board has also noted the status of the National Landscape as an International Dark Sky Reserve and raised concerns regarding sky glow from external lighting as well as from buildings. They recommend a lighting strategy be developed based on Environmental Lighting Zone E1 (categorised by Institution of Lighting Professionals as 'intrinsically dark' - Dark Sky Reserves are Zone E0). They also recommend that in the detailed design rooflights should be avoided given the potential for upward light pollution.
- 10.5.9 Local Plan Policy DP8 (Environmental Protection) states that development proposals, particularly those in a rural setting and especially those in designated AONBs, should make all reasonable efforts to minimise light pollution impacts. In the Mendip Landscape Character Area Assessment, the application site is identified as already being affected by lights from Frome, whereas land to the south of the A361 and beyond is increasingly dark. Given that the existing SGC site area is not currently illuminated (other than the occasional house lights) it will introduce artificial lighting from houses and roads closer to the Dark Sky Reserve. The site will be visible from within the National Landscape including locations such as Cley Hill which offers 360-degree views of the surrounding area from an elevated position. However, at a distance of approximately 6km from Cley Hill the SGC site would be seen as an extension of the existing built area of Frome and set within the wider landscape of the surrounding hills which will remain undeveloped. Given that the site is not within the National Landscape area the Applicant is proposing that Zone E2 (low lighting typical of relatively dark outer suburban locations in rural surroundings) applies to the majority of the site, with Zone E3 (medium lighting typical of small town centres and

suburban locations) in the central/community hub area. Street lighting along the main transport routes would be specified to have 0% Upward Light Ratio, appropriate for Zone E1 zone.

- 10.5.10 The SGC development would introduce new light sources when viewed from within the Reserve. However, this impact would be in the context of the existing uncontrolled sky glow from Frome. The Dark Sky Reserve also covers an extensive area that already experiences some reduction in the quality of darkness as a consequence of existing built up areas including those located close to its fringes such as Warminster and, at a greater distance, Frome. Given this context, the proposal to limit lighting levels across the majority of the SGC development to Zone E2 (typical of outer suburban locations in rural surroundings) is considered to be an acceptable approach and that the development will not significantly impact on the quality of darkness experienced within the wider Dark Sky Reserve.

Local Landscape

- 10.5.11 Policy DP4 states that, outside designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas. In the Mendip Landscape Character Area Assessment, the application site is within Area B2.5, Little Keyford and Blatchbridge. The assessment identifies key characteristics of each area and assesses landscape value based on landscape quality (condition), scenic quality, rarity, representativeness, conservation interests, recreational value, perceptual aspects and associations. The assessment notes key views out of and across the area such as towards the Greensand Ridge, Cley Hill and Alfred's Tower and the Frome Design Statement also notes these prominent views to the east.
- 10.5.12 Whilst there is land allocated for development in LPP2 to the south and east of the existing built edge of Frome, the Landscape Character Area Assessment describes the southern fringe of Frome as feeling relatively secluded and that, away from the new housing developments, it has the sense of being an area of intact countryside. However, the assessment also notes the area is 'sandwiched' between the existing built area of Frome and the A361 bypass and categorises the value of the landscape as 'low'.
- 10.5.13 Notwithstanding this assessment, as open countryside and an agricultural landscape on the edge of Frome, the site has local value as an area of open countryside accessible to existing residents for walking and general enjoyment.
- 10.5.14 In terms of the loss of agricultural land, the majority of the site has been assessed by the Ministry of Agriculture, Fisheries and Food (now part of the Department for Environment, Food and Rural Affairs) as Grade 4 (i.e. Poor) with small areas of Grade 3a (Good) and 3b (Moderate). It is therefore not classified as not 'best and most versatile' and the loss of this agricultural land is not in itself considered to be a reason to refuse planning permission. However, the SGC proposals would result in a total change in landscape

character across the entire site which will either be built upon or within close proximity of new roads and buildings.

- 10.5.15 Landscape impacts are reported in the ES (Chapter 6: Landscape and Visual Impact) based on 27 different viewpoints covering locations within and adjoining the site, including middle and longer distance views. These 'receptors' range from high to low sensitivity with the assessment of the magnitude of change and significance of effects based on the post mitigation scenario i.e. with proposed green infrastructure and landscaping. Receptors within the site that will be incorporated within the development are of high sensitivity with the magnitude of change on them generally assessed as 'major' and the significance of effects on them generally assessed as 'major adverse'. Receptors located on or near the site boundary are assessed as being of 'medium' and 'high' sensitivity with the magnitude of change being 'moderate' and the significance of effects as 'moderate adverse'. Middle and longer distance views include a number of receptors of 'high' sensitivity including heritage assets such as Marston House and from within and the fringes of the AONB as well as Cley Hill. However, given their distance from the site, intervening features and wider context of the existing built up area of Frome the magnitude of change is assessed as 'minor' or 'negligible' and the significance of effects as 'minor adverse' to 'negligible'.
- 10.5.16 The ES has been reviewed by the Council's Landscape adviser and amendments made to the Parameter Plans in response to comments from them. This includes adjustments to building heights and development parcels close to the edge of the site as well as maintaining existing vistas in key locations such as on Little Keyford Lane. They advise that receptor locations are representative, though not necessarily exhaustive, noting also that the visual experience is not one of a series of static snapshots but is fluid and panoramic. Given the scale and scope of the change to the existing agricultural landscape it is inevitable that the development will cause significant effects on all close-range receptors within or immediately adjacent to the application boundary, including residential properties and users of PROW's and the local lane network within the site. They assess the significance of effects on all receptors within the site to be 'major adverse' (including those assessed in the ES as 'moderate adverse'), that from locations on or near the site boundary the effects will generally be 'moderate adverse' and that these effects cannot be fully mitigated. They generally concur with the assessment in the ES that the significance of effects in medium and longer distance views will be 'minor' to 'negligible'.
- 10.5.17 Within the site the proposed development will result in the loss of the existing open countryside and agricultural landscape. However, given the existing landscape character and quality it is considered that if the totality of the measures specified on the Green Infrastructure Parameter Plan are implemented in full and the green infrastructure is properly managed appropriately funded on an ongoing basis these major to moderate adverse effects are not in themselves considered to be a reason for refusal of planning permission.

- 10.5.18 The existing landscape includes features such as trees, hedgerows and ditches that will be impacted by the proposed development. The Green Infrastructure Parameter Plan identifies veteran and other significant trees for retention and demonstrates that a number of the green spaces align with existing hedgerows. However, without appropriate controls the proposed development could result in their loss and as the detailed layout has yet to be progressed it is important that reserved matters are led by the existing landscape and green infrastructure rather than a pre-determined layout.
- 10.5.19 This approach is captured in the DPF (Design Principle 8) which states that “Unless otherwise approved by the LPA, all trees and hedges within the application site are to be retained.” The DPF also states that where removal is absolutely necessary, demonstrated as such and is agreed by the local planning authority, new hedging is to be replaced at with details of location, species, dimensions of new planting also to be agreed. Therefore whilst there would inevitably be some loss of existing hedgerows, for example to provide new access points into the site and the route of the main spine road, it is considered that appropriate controls are in place to ensure that at the reserved matters stage the design and layout of individual parcels starts from a position of retention and incorporation of existing hedging and trees. To reinforce this it is proposed that a plan recording existing trees and hedges is identified as the starting point for reserved matters applications.

10.6 Placemaking and Design Quality

- 10.6.1 The NPPF (Chapter 12) places an emphasis on creating high quality, beautiful and sustainable buildings and places and recommends the preparation of design guides and codes consistent with the principles set out in National Design Guide and National Model Design Code and which reflect local character and design preferences. Whilst the SGC site is not allocated for development in the Local Plan, in respect of the planned supply of large numbers of new homes, the NPPF (para. 74) states that consideration should be given to setting clear expectations for the quality of the places to be created and how this can be maintained and to ensuring that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community. Local Plan Policy DP7 (Design and Amenity of New Development) supports high quality design which results in usable, durable, adaptable, sustainable and attractive places and sets out a number of requirements against which proposals for new development will be assessed.
- 10.6.2 As an outline application with all matters reserved and with no details of the design of individual buildings or spaces, the Applicant has prepared a National Design Compliance Statement which notes the design process that has been undertaken in preparing the application including presentations on a number of occasions to the Design West Review Panel at the pre-application stage. It also considers the proposals against the ten characteristics of well-designed places set out in the National Design Guide.
- 10.6.3 To provide further guidance and embed principles of good design in the development, the Applicant has also prepared a Design Principles

Framework Document that sets out a range of design principles for development within different character areas across the site. The DPF is based on an analysis of the existing character of different parts of Frome to identify those features of its layout, scale, form, parking, detailed design and materials that contribute to its distinctiveness. These principles and design guidance would be worked up in further detail in the form of Design Codes to be submitted to and approved by the Council prior to the submission of reserved matters applications which would need to conform to the detailed Codes.

- 10.6.4 It is considered that the DPF is based on a thorough analysis of the distinct character of different parts of Frome and provides a sound basis on which to develop the Design Codes and detailed proposals for the site. A condition is proposed requiring submission and approval of Design Codes with each reserved matters application.

'Garden Village' Principles

- 10.6.5 In supporting documents to the application, the proposals are described as based on 'garden village' principles. The Town and Country Planning Association (TCPA) *'Understanding Garden Villages an Introductory Guide'* (2018), defines garden villages as "...a new community that is designed, delivered and managed in accordance with the garden city principles, but tailored for a smaller scale than new garden cities" that may be developed within existing settlements or as a sustainable urban extension. The Guide identifies a number of 'garden city principles' covering such matters as organisational and management arrangements; achieving a well designed, sustainable and affordable mix of uses in walkable, vibrant, sociable neighbourhoods; and green infrastructure and biodiversity gains together with zero-carbon and energy positive technology to ensure climate resilience; strong cultural, recreational and shopping facilities.
- 10.6.6 Reference is also made to the Government's *'Garden Communities Prospectus'* (2018) which invited bids for new 'garden communities', defined as 1,500 to 10,000 new homes either as a discrete new settlement or 'transformational development' of an existing settlement. It should be noted however that the Applicant did not submit the SGC proposals for consideration as a designated 'garden community' and the site is not identified for development under that programme.
- 10.6.7 The proposed SGC development incorporates a number of features and characteristics of a 'garden village' such as mixed-tenure homes and a range of recreational and shopping facilities, close proximity to job opportunities, a comprehensive green infrastructure network, opportunities to grow food, and an integrated and accessible movement strategy that promotes walking, cycling and other non-car modes of transport. There are also mechanisms to deliver well designed homes incorporating low/zero-carbon technologies. These features and characteristics are embedded in the Parameter Plans and associated DPF and there is the potential for long-term community stewardship of the open space within the development that could be secured through conditions and planning obligations.

10.6.8 The TCPA guide also refers to land value capture for the benefit of the community as well as mechanisms for ongoing leadership to ensure the delivery of the overall vision for the development. Whilst these do not explicitly form part of the SGC proposals it is considered that the DPF provides a sound basis for securing the original vision. In combination with mechanisms through the development management process (including approval of Design Codes) there is a robust mechanism to ensure the strategic vision for the site will be delivered. It is considered that the application includes a number of positive placemaking principles and whilst arguably these should be an integral part of any medium to large-scale development that accords with national and local planning policies, the SGC development has explicitly incorporated them into the DPF. This weighs in favour of the development.

Green Infrastructure

10.6.9 Local Plan Policy DP16 (Open Space and Green Infrastructure) states that all new residential development will make a contribution towards the provision of new open space, including accessible natural greenspace, to meet the needs of the growing population. Where appropriate, this will be on-site with appropriate long term management arrangements.

10.6.10 The application includes significant areas of greenspace and green infrastructure across the site. This includes a large area of recreational open space towards the centre of the site as well as areas of natural and semi natural green space with play areas, sports pitch and multi-use games areas, landscape buffers around the edge of the site, allotments and community orchards as well as areas for sustainable urban drainage. The green infrastructure also includes Little Keyford Lane and Paddles Lane which it is proposed become 'greenways' (whilst maintaining access to retained residential properties).

10.6.11 Applying the standards for different types of formal and informal outdoor space set out in the Fields in Trust's 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (November 2020), for the projected population the proposals the standard would require around 12.5 hectares of parks and gardens, amenity green space and natural and semi-natural open space. The development proposes around 28 hectares. In terms of equipped and designated areas of play and multi-use games areas, the proposed development would meet the requirement (total approximately 2 hectares). There would however be a shortfall of formal playing pitches and outdoor sports provision on site.

10.6.12 The Mendip Open Space Study (2012) is some 12 years old. However, it identifies an overall deficit in the adjoining Keyford Ward of designated play space, informal play space and playing fields/pitches. Whilst not all open space within the development will necessarily be suitable for recreational purposes, provision would be significantly above the standard set out in the guidance and available for residents of the development as well as existing residents of Frome. These areas are identified on the Parameter Plans with further guidance provided in the DPF. Details of their layout will come forward in reserved matters applications and issues such as access to and

maintenance and management of these spaces (including funding) would be secured through conditions and/or planning obligations.

- 10.6.13 The original proposals for the site included three sports pitches adjacent to the River Frome including an all weather pitch. However parts of the land identified for the pitches are within Flood Zone 3 (i.e. have a high probability of flooding). In order to ensure that the playing pitches would not result in the displacement of floodwater, it was not proposed to raise levels within this part of the site and therefore they may become flooded. Sport England raised concerns regarding the location and useability of these pitches as well as their layout, recommending a more consolidated proposal with associated ancillary facilities. They concluded that they could not support the application as originally submitted and objected on the basis it was unclear whether the objective to provide new opportunities to meet the needs of current and future generations would be met. Subsequent discussions with Sport England have identified alternative off-site facilities that could be improved, mitigating the demand for recreational facilities that will arise from the SGC development as well as serve the wider Frome community. These comprise improvements to pitch facilities at Frome RFC and Frome Town United Football Academy. Sport England have confirmed these will provide the same benefit in respect of pitch provision as the all weather pitch and grass pitches that would no longer to be provided within the SGC development. Funding for these works would be provided by SGC and secured through a s.106 legal agreement.
- 10.6.14 The Cranborne Chase Board have raised the issue of additional recreational pressure being placed on the National Landscape area by residents from the SGC development. They propose a contribution to mitigate any impacts although no specific works have been identified or quantified. There is clearly the potential for residents of SGC to visit the National Landscape area. However, it covers a wide area (around 980 sqkm) and has an existing population living close by (over 600,000 within a 30-minute drive) as well as there being existing visitors to local destinations such as Longleat and Center Parcs. In the circumstances it is considered that the impact on the natural landscape and its special qualities of a proportion of residents from the SGC development visiting the area would not be significant. Accordingly, no contribution from the SGC development is proposed.

10.7 Ecology and Biodiversity

- 10.7.1 Local Plan Policy BP5 (Biodiversity and Ecological Networks) states that development proposals must ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species. Proposals with the potential to cause adverse impacts on protected and/or priority sites, species or habitats are unlikely to be sustainable and will be resisted with exceptions made will only where the impacts cannot be reasonably avoided; offsetting/compensation for the impacts can be secured; or other considerations of public interest clearly outweigh the impacts. Local Plan Policy DP6 (Bat Protection) requires that all applications within the 'Bat Consultation Zone' will require a HRA to consider whether the proposed development is likely to have significant effects on that site and where the potential for likely significant

effects cannot be excluded an appropriate assessment of the implications of the proposed development in view the site's conservation objectives.

- 10.7.2 A number of objections have been made to the application on the grounds of the impact on local habitats and biodiversity across the site, citing the removal of hedgerows and trees as well as replacement of the existing agricultural landscape. In addition, risks to the River Frome in terms of discharge from the site are identified. The latter are addressed in Section 10.9 below.
- 10.7.3 The application site does not include any statutorily designated sites of ecological importance however the site is within the Consultation Zone for the Mells Valley Special Area of Conservation (SAC). In addition Vinney Lane Local Wildlife Site (a non-statutory site) lies within the application site. There are also significant trees across the site (including a number identified as 'veteran') as well as small areas of woodland and groups of trees and a number of well-established hedgerows forming field boundaries that provide habitats for birds and other species.
- 10.7.4 The ES (Chapter 7: Ecology & Nature Conservation) includes the findings of an Extended Phase 1 Habitat Survey to identify evidence of and habitats within the site and locally that would be suitable for Hazel Dormice, badgers common reptile species (common lizard slow-worm, grass snake and adder) and Great Crested newts. Fieldwork was undertaken between 2019 and 2021 and surveys also conducted across the site to record bird populations including along the River Frome. The river was also surveyed for signs of otter and water vole.
- 10.7.5 No evidence of hazel dormice was found, and two badger setts did not have obvious signs of recent occupation suggesting an outlier sett being used on an occasional basis. No ponds are located within the application site and given the suitability of ponds in the vicinity of the site for breeding and barriers to amphibian dispersal, the likelihood of encountering Great Crested Newts within the application site was judged to be very low. Small populations of Slow-worm were found within parts of the application site as well as a small population of Grass Snake utilising the various wet ditches, hedgerows and the River Frome. Whilst no evidence of otter or water vole were found, both are known to be present along stretches of the River Frome. Many of the hedgerows, in particular those supporting more dense structures and more mature trees, and the River Frome were identified as providing good foraging and nesting habitat for a variety of songbirds and the fields also provide open foraging habitat. Some of the buildings and open-sided farm buildings also provide nesting opportunities for birds. The survey of birds recorded a wide range of species including a number on the RSPB Red List and priority species on the UK Biodiversity Action Plan (House Sparrow, Linnet, Song Thrush and Bullfinch) however there were no sightings or evidence of Kingfisher.
- 10.7.6 A separate survey assessed the suitability of habitats in the wider landscape for foraging and commuting bats, flight-lines across the application site and potential links to the nearby Mells Valley SAC. A number of farm buildings

were subject to a series of bat activity surveys involving dusk emergence and dawn re-entry visits. Trees likely to be affected by the proposed development were subject to assessment for their potential to support roosting and/or hibernating bats. The surveys recorded the presence of a number of bat species across the site including Greater Horseshoe bats.

- 10.7.7 In the absence of appropriate protection measures during construction, there could be damage to habitats through encroachment, dust deposition and runoff. Construction, including activities requiring lighting, would also impact on foraging and commuting areas for local bat populations. In mitigation, the retention of hedgerows and trees as part of the green infrastructure as well as the phased loss and replacement habitat (including new areas of habitat on the south side of the A361) will maintain habitat areas as development phases come forward. As a consequence, any adverse impacts on foraging and commuting bats during the construction phase are assessed to be of minor significance.
- 10.7.8 Measures to mitigate impacts on retained habitats during construction will be controlled through a Construction Environmental Management Plan with species-specific method statements setting out appropriate working practices and methodologies. It is also proposed that a Landscape and Ecological Management Plan ('LEMP') including a Green Infrastructure Implementation and Delivery Plan is submitted and agreed. This will be prepared to manage habitat loss, limit disturbance to wildlife, secure ecological enhancements and maximise biodiversity gains as well as safeguard retained and newly created habitats and their ongoing management.
- 10.7.9 The proposed development would result in the permanent loss of a proportion of the agricultural landscape and semi-improved grassland habitat across the site (with part retained/enhanced as part of the green infrastructure and open space areas) and a proportion of the ditches across the site would be lost or modified as part of the new drainage strategy. The proposed development will also involve some loss of hedges and trees as a consequence of the construction of the internal road network as well as development of individual plots and parcels of land.
- 10.7.10 On completion, Vinney Lane Local Wildlife Site will be retained in full and integrated within the wider green infrastructure, with a minimum 15m buffer provided along its length. Ecological enhancements including planting and improved habitat for wildlife are also proposed within the River Frome corridor. The wider development includes a network of green infrastructure incorporating 'bat corridors' together with larger areas of open/green space which form part of a Bat Mitigation Strategy. This has been developed with Natural England to provide suitable habitat and conditions for horseshoe bat populations in particular Greater Horseshoe bats. In addition to retained trees and hedgerows, the green infrastructure includes species-rich neutral grassland, broadleaved plantation woodland, broadleaved parkland and un-intensively managed orchards providing a net gain in habitat area across the site. Details of the lighting scheme to accord with specified lighting zonation parameters would be specified at reserved matters stage.

- 10.7.11 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) introduced a requirement that most types of development deliver a biodiversity net gain (BNG) of 10%. This applied to major development from 12 February 2024 and therefore the SGC application was submitted before the mandatory BNG requirement came in to force. Notwithstanding the date of submission of the application, the Applicant undertook an assessment of BNG using the DEFRA biodiversity metric calculator based on an indicative layout of the site shown in the Illustrative Masterplan. The BNG assessment indicates an overall net gain in habitat units of +10.6%, hedgerow units of +47.6% and watercourse units of +29.0%. The habitat net gain reflects the extent and quality of the proposed species rich grassland areas as part of the development compared to the generally low distinctiveness, condition and significance of the land currently under agricultural use. The watercourse net gain is attributable to enhancements of the habitat although the baseline is relatively low so the percentage improvement is more marked. The assessment includes assumptions about hedge removal and replacement (proposed at 1.5m replacement for 1m loss) as well as enhancement of the retained hedgerows.
- 10.7.12 As noted above, the BNG calculation for the SGC development is based on an indicative layout with various assumptions made about retained, lost and enhanced habitats. Given that a detailed layout of the site has yet to be submitted for consideration, and for example the DPF states that all trees and hedges within the application site are to be retained unless otherwise approved by the local planning authority, the final BNG calculation will inevitably change. Accordingly, a condition is proposed requiring submission and approval of an updated BNG calculation on a phase-by phase basis together with a delivery and monitoring plan to reflect the specifics of the development as it progresses.
- 10.7.13 The proposals, including potential impacts on protected and other species as well as proposed mitigation and a Shadow Habitats Regulation Assessment (sHRA) submitted with the application have been reviewed by Somerset Ecology Service (SES) and Natural England. SES have advised that the sHRA fulfils the requirements as delineated under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and recommend that, subject to planning obligations and conditions, the Council (as the competent authority) adopts the sHRA. Natural England have also been consulted and raise no objection.

10.8 Heritage

- 10.8.1 The NPPF (para. 205-208) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 10.8.2 Local Plan Policy DP3 (Heritage Conservation) states that proposals affecting a heritage asset, whether statutorily or locally designated, will be required to demonstrate an understanding of the significance of the heritage asset and/or its setting and justify any harm to the asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting.
- 10.8.3 Also relevant is Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a general statutory duty on local planning authorities when considering whether to grant planning permission for development which affects a Listed Building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.8.4 The impact of the proposed development on heritage assets is reported in Chapter 12 of the ES. The assessment includes a desktop assessment of published sources as well as site inspection based on a 1km study area in relation to archaeological and historic landscape data and a wider 3km study area for designated sites and local heritage designations, scheduled monuments and areas. The assessment also included impacts on Cley Hill scheduled monument located beyond the 3km study area.
- 10.8.5 There are no listed buildings within the application site. However, there are a number close to the site's boundaries including the Grade II Keyford House and Conservatory (including boundary wall gates and gate piers that front onto Little Keyford Lane), and Grade II 8-9 and 11-11a Little Keyford Lane immediately to the west of the site as well as the locally listed Keyford Farm. The Cross Keys Inn at Blatchbridge is listed Grade II. The Grade II* Marston House and associated Grade II Registered Park and Garden are located approximately 1km to the south.
- 10.8.6 Historic England have raised concerns about the methodology of the submitted Heritage Impact Assessment and the impact of the development on the setting of heritage assets including those adjacent to or in close proximity to the site (such as the listed Keyford House and Marston House and Park). They also raise concerns about the impact on scheduled monuments in the wider landscape such as Hales Castle, Roddenbury Hill and Cley Hill Camp and Fort where views to and from these locations contributes to their significance. It is relevant to note that Historic England's comments related to the original submission which included employment space on land to the south of the A361 and up to Bulls Quarries Lane.
- 10.8.7 Marston House is located approximately 1km from the SGC site at its closest point and is at a similar elevation to the upper part of the SGC site. Marston Park, which forms an integral part of the setting for Marston House as well as being a designated heritage asset, itself slopes down towards Tytherington and the River Frome beyond and extends north to Bulls Quarries Lane. Whilst Marston House itself has its main elevation facing south east, given its elevation there will be views towards the SGC site, albeit generally glimpsed views through trees within the Park and the heritage

asset includes the Marston Park and its setting. The existing industrial estate at the junction of the A361 and Bulls Quarries Road (located within the boundary of Marston Park) also provides a physical barrier between Marston House and the SGC site.

- 10.8.8 The removal of the proposed employment land on the south side of A361 and planting of this land as part of the wider landscape proposals for the SGC development and proposed bat mitigation strategy will maintain the immediate undeveloped setting for Marston Park. The A361 is also bounded on both sides by established hedgerows and trees that limit intervisibility between the House and Park and the application site. Whilst the SGC development will bring built development closer to Marston House and Park, in the light of amendments to the application and the intervening landscape it is considered that impact on the setting of the House and Park and the features that contribute to the significance of these heritage assets is less than substantial and at the middle to lower end of the scale.
- 10.8.9 Closer to the site is Keyford House (with its conservatory, boundary wall, gates and gate piers) and 8-9 and 11-11a Little Keyford Lane. Keyford House is set back from Little Keyford Lane with trees within the gardens of the house and along the southern boundary screening views between the house and the SGC site. However, the house is in an elevated position and from Little Keyford Lane and Sandys Hill Lane to the south there are clear and open views across the existing agricultural landscape towards Cranborne Chase National Landscape area and Cley Hill. Although no works are proposed to Little Keyford Lane adjacent to the heritage assets and the existing hedge on the south east side of Little Keyford Lane is to be retained, the SGC development will change the wider setting of the heritage asset.
- 10.8.10 The boundary wall of the property on Little Keyford Lane is a prominent feature on the lane. The proposed new access into the site off Little Keyford Lane is located approximately 180m to the east of the entrance to Keyford House and does not directly affect the heritage asset or its immediate setting. However, although the existing mature hedgerow on the south side of Little Keyford Lane is to be retained, with the new access road at a lower level beyond and separated by a landscape buffer, this will involve major engineering works within the wider setting of this heritage asset. Built development within the SGC site immediately to the south and east of Little Keyford Lane would be limited to two storeys with green wedges connecting through to Little Keyford Lane, although not on the alignment of Sandys Hill Lane, and would be visible. It is considered that overall the impact on the setting of the listed building would be less than substantial and given the location and context for the new site access the harm to the setting of the gates and boundary wall would be at the middle to lower end of less than substantial.
- 10.8.11 The proposed development north of Little Keyford Lane, an allocated site (FR7) in LPP2 is to be served via a new access from Little Keyford Lane with access to 8-9 and 11-11a Little Keyford Lane being retained as existing. The Local Plan sets out guidance on the layout of FR7 as well as the design and materials for the new houses and it is considered that this provides

appropriate safeguards to mitigate the impact of development on the setting of the listed buildings. Accordingly, any harm to the setting of the listed properties is considered to be at the lower end of less than substantial. In the case of the Cross Keys Inn at Blatchbridge, the proposed new site access to the employment land would be opposite the pub and therefore impact on its setting. Whilst there would be a realignment of the road and change in priority at the new junction the B3092 which separates the pub and the new site access is already a prominent feature and it is considered any harm to the setting of the listed property is at the lower end of less than substantial.

- 10.8.12 There are no scheduled monuments within the application site. However, the Somerset Historic Environment Record provides information from archaeological excavations outside but in the vicinity of the application site. This includes evidence of ditches on land to the west of Little Keyford Lane (thought to be Neolithic or Bronze Age) and on land to the north of the site (prehistoric, date uncertain). The ES assesses the potential for evidence of activity dating to the prehistoric period within the application site as minor to moderate and for the Romano-British period as moderate. The site of a deserted medieval village south west of Tytherington (a scheduled monument) is located approximately 1km to the south of the application site and land bounded by Little Keyford Lane and Vinney Lane has been identified as a historic deer park although the ES suggests there is limited evidence in support of this. The ES assesses the potential for evidence of medieval activity within the boundaries of the site as low to moderate. Evidence of post-medieval activity in the vicinity of the site includes records of mills along the River Frome such as at Blatchbridge and Feltham Bridge as well as the wider agricultural landscape and farm associated buildings.
- 10.8.13 The ES notes that if archaeological sites and features are present on the site, construction of the development could result in damage to, and removal of, those features. This would be irreversible and accordingly if archaeological features are present there is the potential for a potential major adverse impact. The Council's Archaeological adviser has reviewed the ES and associated information and raises no objection to the application. However, given the potential for archaeological remains within the application site they recommend that a condition be imposed requiring investigation and evaluation of the site, and mitigation to ensure that any archaeology present is fully recorded.
- 10.8.14 The scheduled monuments at Cley Hill, Hales Castle and Roddenbury Hill and are at some distance from the site. By virtue of its distinctive form and elevation and the low and open land around it Cley Hill Camp and Fort is a prominent feature in the landscape, visible from the upper parts of the application site (including Marston Road, Little Keyford Lane and Paddles Lane) and vice versa. However, as noted above (section 10.5) given the distance from the site, intervening features and the existing built up area of Frome that is evident on the ridge line and extending down towards the River Frome, it is considered that the harm to the significance of this heritage asset and its setting is at the lower end of less than substantial. In the case of Hales Castle Roddenbury Hill intervisibility with the application site is more limited and the impact is also at the lower end of less than substantial.

- 10.8.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council with respect to any buildings or other land in a conservation area to pay special attention to the preservation or enhancement of the character or appearance of the conservation area. In this case, the southern extent of the Frome Conservation Area (Character Area 10: Keyford) lies approximately 450m to the north of the application site and therefore s.72 does not apply. Nonetheless, since conservation areas are designated heritage assets, guidance in the NPPF and Local Plan policy is relevant. In respect of the Frome Conservation Area, given local topography (with the conservation area located beyond the crest of Culverhill to the north of the application site), intervening development to the south of the conservation boundary and lack of intervisibility with the SGC development it is considered that the impact on the Frome Conservation Area will be neutral and that its character and appearance will be preserved.
- 10.8.16 In accordance with the NPPF (para. 208) the public benefits of the proposed development have been weighed against the less than substantial harm to the heritage assets. Public benefits of the development include the provision of new homes (including affordable) to meet an identified housing as well as the provision of employment space and social infrastructure within the development. The creation of public open space and green infrastructure within the site are additional public benefits and it is considered that together they outweigh the limited harm to the setting of the designated heritage assets.

10.9 Flood Risk, Surface Water Drainage and Foul Water Drainage

- 10.9.1 Local Plan Policy DP23 (Managing Flood Risk) states that development will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. In addition, all development will be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere including the use of sustainable urban drainage systems (SUDS). The Mendip Level 1 Strategic Flood Risk Assessment (March 2020) reports flooding events along the River Frome at Frome as well as incidents of sewer flooding in Frome and a risk of fluvial flooding in Frome from the River Frome, Mells Stream and Rodden Brook. Within the application site (and land adjacent) Environment Agency historic flood maps indicate that the extent of fluvial flooding from the River Frome coincides with the Flood Zone 2 and 3 extent.

Flood Risk and Surface Water Drainage

- 10.9.2 A Flood Risk Assessment has been submitted with the application and Chapter 8 of the ES assesses the potential hydrology and flood risk related environmental effects of the proposed development.
- 10.9.3 The majority of the site is with Flood Zone 1 (i.e. low risk of flooding) however that part of the site adjoining the River Frome is in Flood Zones 2 and 3 (i.e. medium and high risk). The NPPF (para. 168) states that to avoid flood risk to people and property where possible new development should be steered to areas with the lowest risk of flooding from any source. Development

should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Adopting the sequential approach, built development has been located within Flood Zone 1. The proposal is therefore in accordance with the NPPF and PPG. A sports pitch encroaches into Flood Zone 2 and 3. However, as a water compatible use, its location within this area is acceptable. In addition, the NPPF states that opportunities to reduce the causes and impacts of flooding should be adopted and that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Land that is required or likely to be required for current or future flood management should be safeguarded from development.

- 10.9.4 The Environment Agency advise that, providing the requirements of the sequential test in the NPPF are met and subject to conditions (to prevent pollution during construction and approval of a remediation strategy if contamination is found on site) and informatives, they have no objection to the proposed development. They also state that there should be no increase in existing ground levels or landscaping within Flood Zones 3 and 2 and that any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Frome will require an Environmental Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. This advice is relevant to the proposals for sports pitches that encroached into Zones 3 and 2 as well as the proposal to provide a footbridge over the River Frome (linking the proposed 'community hub' to open space and the employment space on the south side of the river). It is not proposed to raise the level of the sports pitch. However, the Applicant will need to apply for a permit for the bridge. This is acknowledged in the application and would be covered by an Informative should planning permission be granted for the development.
- 10.9.5 There are two springs and multiple surface water flow paths through the site, generally associated with local stream/ditches within the site resulting in areas at high, medium and low risk of surface water flooding. There is currently limited drainage infrastructure within the site and within and adjacent to the site Vinney Lane and Vinney Bridge flood on a regular basis during heavy rainfall, with flooding also near the Cross Keys Pub on the B3092 (resulting in the B3092 being closed) and occasionally between Little Keyford Lane and the B3092.
- 10.9.6 In the Mendip Flood Risk Management Programme, the SGC site lies within the Tytherington sub catchment area and the majority of the site is identified as a high risk area for surface water runoff. The Council as Lead Local Flood Authority (LLFA) has reviewed the proposed surface water drainage strategy and recommended that, where possible, surface water flow paths should be retained in existing ditches on the site and specifically where these are more natural rather than more recent linear ditches created as part of the farming of the land. In this respect, mapping of the existing watercourses and areas of fluvial and surface water flooding has informed the masterplanning of the site with the pathways of the existing streams and ditches generally being retained and incorporated into the proposed green infrastructure.

- 10.9.7 The land to the north of the River Frome is identified in the Mendip Flood Risk Management Programme as a potential area for natural flood management to attenuate surface water runoff through measures such as ditch blocking, attenuation ponds and tree planting as well as improving road drainage along Little Keyford Lane and Vinney Lane. The land on the south side of the River Frome (up to the railway line) is identified as an area with potential for working with natural processes to establish reconnection between a watercourse and its natural floodplain with a broad swathe of tree planting including to the south of the A361 and north of the B3092.
- 10.9.8 The proposed scope of works within the application site includes various measures to control surface water flooding including the creation of two wetland areas and riparian corridors between development parcels to contain surface water flow paths; localised land raising and bunds; and the removal of minor ditches and removal of culverts to restore watercourses to a more natural state. Source control measures within development parcels such as permeable paving and green roofs and local conveyance controls such as swales, rills and filter drains to store and convey water through the development areas could also contribute to managing run-off. The area of land to the south of the A361 which is to be retained as natural habitat with no built development would not incorporate works to control flow paths.
- 10.9.9 Modelling of the proposed interventions indicate that the cascading wetlands in the northern and central part of the site would contain surface water floodwater generated from these areas and that two riparian corridors successfully contain flow paths from off site up to and including the 1 in 1000 year event. Modelling also indicates that the incorporation of SUDS into the proposed development and proposed watercourse improvements will slow the conveyance of water through the site and contribute to a reduction in flooding downstream.
- 10.9.10 LLFA advice is that using the 1000-year event as a baseline the applicant has demonstrated that surface water and ordinary watercourse flooding will be managed within controlled routes. Accordingly, they raise no objection to the current application but note that at the next planning stage an updated hydraulic model with 45% climate change is required with calculations for the entire range of storm events with discharge restricted to the relevant greenfield rate. Pre-commencement conditions are recommended to secure this.
- Foul Water Drainage
- 10.9.11 The proposal is that, other than a small area of the northern part of the site (that would connect to the existing public sewer on Marston Road), foul water from the majority of the site will be pumped to the existing Wessex Water facility at Inox Hill. This will be from an on site pumping station, with emergency storage capacity, proposed to be located in the vicinity of Vinney Lane and which will also receive foul water from the employment site to the south.
- 10.9.12 Wessex have raised no objection to the proposed development or the foul water drainage strategy however concerns have been raised in a number of

comments, including by Friends of the River Frome, regarding foul water capacity and the problem of stormwater overflows into the River Frome. Whilst there are existing conditions across a number of water companies that need addressing and are acknowledged by Wessex Water, if the SGC development is approved there would need to be agreement between the developer and Wessex Water to agree build rates and timings. This would ensure that any required investment such as upgrades and new connections are aligned with the build out of SGC with new connection charges from the development contributing to the funding of these infrastructure works. In the circumstances, it is considered that the existing condition and concerns about future capacity are not reasons for refusing planning permission.

10.10 Energy and Sustainability

- 10.10.1 The NPPF (para. 157) states that the planning system should support the transition to a low carbon future in a changing climate and help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. New development should be planned for in ways that can help to reduce greenhouse gas emissions such as through its location, orientation and design and the increased use and supply of renewable and low carbon energy and heat.
- 10.10.2 Local Plan Policy DP7 supports high quality design which results in usable, durable, adaptable, sustainable and attractive places. Specifically proposals for new development should, amongst other attributes, 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, renewable energy generation on site, the use of water efficiency measures recycling and conservation, the use locally sourced or recycled materials wherever practically possible and that residents minimise, re-use or recycle waste. In February 2019, Mendip declared a Climate and Ecological Emergency pledging to make best endeavours to enable the district to be carbon neutral by 2030.
- 10.10.3 The Energy Strategy submitted with the application assesses the proposed development against the objectives in Policy DP7 and the design standards and emissions targets for new dwellings and commercial buildings set out in the Building Regulations. The current Building Regulations (2021, as amended 2023) require that residential development reduces its carbon emissions by 31% compared to a 2013 baseline. Notwithstanding the current position, the DPFD commits to exceeding the 2021 standards with a 40% reduction in carbon emissions compared to a 2021 Part L compliance baseline within each development parcel. In addition, all phases should be designed to deliver a minimum of 50% of their energy requirements on-site via renewable means. As a development with a 15+ year construction programme the detailed design and specifications in future reserved matters applications will need to respond to changing regulations and comply with the standards in force at the time of construction. For example, under the Future Homes Standard (due to be introduced in 2025) carbon emissions

from new homes are to achieve a 75-80% reduction against the 2013 baseline.

- 10.10.4 To mitigate impacts on the climate and reduce carbon emissions the Energy Strategy sets out a number of measures to mitigate the impact of the development. These include design standards for new buildings (such as high levels of insulation and air tightness, the use of LED lighting and efficient heating and hot water systems) as well as on site low carbon and renewable energy sources such as photovoltaics and air source heat pumps and charging for electric vehicles. The Energy Strategy also sets out measures to support climate change adaptation including site-wide measures such as sustainable urban drainage solutions and attenuation. Without mitigation the ES identifies moderate adverse impacts from the development due to increased carbon emissions (due to energy provided via the national grid relying, in part, on fossil fuels) and during construction due to increased carbon emissions from the production of materials and transport related emissions associated with delivering material to the site.
- 10.10.5 To achieve a low carbon development and contribute to mitigating climate change the application proposes a range of measures including plot layout, building design and specifications; on-site low carbon and renewable energy solutions such as photo-voltaic panels and air source or ground source heat pumps; and an electric vehicle strategy. The potential for a gas or biomass combined heat and power (CHP) facility and district heating network were considered as part of the review of options for delivering sustainable sources of heat to the site. It was concluded, however, that the density of the development would not support the expense of CHP and associated heat network and therefore focus was placed on the energy performance of individual buildings (principally on fabric efficiency and insulation standards and efficient heating and hot water systems) and renewable energy solutions.
- 10.10.6 The ES concludes that with commitments to reduce CO₂ emissions beyond current Building Regulations standards and the provision of on site renewable technologies the proposed development will have a negligible effect on the environment. There will however be other impacts such as from vehicle emissions although the transition to electric vehicles will assist in reducing the impact in the medium to longer term. Overall given the acknowledged impacts, embedded sustainability measures and emerging standards it is considered that in respect of climate change the likely significant effect on the environment will be negligible to minor adverse.
- 10.10.7 To achieve the stated objective to deliver an ultra low carbon development, in addition to demonstrating compliance with Building Regulations (or relevant standards in force at that time) reserved matters for each phase of the development provide an opportunity to ensure that the stated commitments to carbon emission reduction and on-site renewables are met and sustainable construction methods and operational technologies are optimised. This would be secured by condition.

10.11 Other Considerations

Environmental Conditions

- 10.11.1 Local Plan Policy DP8 states that all development proposals should minimise and where possible reduce all emissions and other forms of pollution. Proposals should be required to demonstrate that they do not give rise to unacceptable adverse environmental impacts on a range of environmental conditions including ambient noise levels, air quality, residential amenity and public health and safety. Other aspects of environmental quality (water resources, biodiversity, light pollution) are addressed elsewhere in this report. The NPPF (para. 192) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.
- 10.11.2 The ES includes an assessment of air quality (nitrogen dioxide NO₂ and particulate matter PM₁₀) concentrations at a number of receptor locations within and adjoining the SGC site. The modelling work concludes that during the construction phase annual mean NO₂ concentrations will remain below (by 52%) the annual mean objective at all locations and change by a maximum of 0.2 µg/m³ at the worst affected site (Marston Road access) due to increases of HGV movements along the B3090. On completion of the development annual mean NO₂ concentrations would remain below the annual mean objective at all locations (by 46% assuming no improvements in the vehicle fleet and more if emissions from cars are reduced). The model estimates no exceedance against the annual mean PM₁₀ objective although without vehicle fleet improvements potentially there would be five exceedances during construction. The UK Air Quality Objectives for PM₁₀ states that the 24 hour mean should not to be exceeded more than 35 times a year and therefore the daily mean PM₁₀ objective would be met. All locations in the modelling meet the EU Directive annual mean PM_{2.5} limit value of 25 µg/m³.
- 10.11.3 Natural England raised the issue of potential air quality impacts on the Mendip Woodlands SAC. The closest is Asham Wood located approximately 6km to west of the SGC site, to the west of Nunney, with the A361 approximately 1km from the SAC. An examination of the traffic modelling through the A361/B3090 Marston Road junction to/from the west (and making no allowance for vehicles using the A359 beyond Nunney Catch) indicates that on completion of the development the increase in traffic on the road would be negligible. Accordingly, it is considered that the development would not give rise to significant environmental effects in respect of the SAC.
- 10.11.4 A geotechnical survey of the site comprising a desk-based assessment and site inspection has identified the potential for contamination in the form of the ground gas due to the presence of landfills and underlying organic material within parts of the site. This is reported in Chapter 9 of the ES and, without mitigation, the potential effects on human health during construction and operation of the development are assessed as minor/moderate. With mitigation including compliance with relevant construction protocols and regulations and the removal of contamination where found, the residual effects are assessed as negligible. The ES has been reviewed by the Contaminated

Land Officer who raises no objection subject to conditions requiring further detailed assessment of the site and remediation if required.

- 10.11.5 Chapter 11 of the ES reports on noise impacts arising from the proposed development. This includes noise and vibration from construction activity and noise from the transportation of construction materials as well as noise from increased road traffic, building services plant and commercial activity and servicing operations during operation of the development. The existing site is affected primarily by local road traffic noise with the greatest noise levels from the A361 and to a lesser extent the B3092. The south-eastern corner is also affected to a lesser degree by the train line. Access to the site during construction will primarily be from the A361, B3090 (Marston Road) and B3092 (Blatchbridge) and based on existing HGV movements the noise impact due to construction vehicles is assessed as negligible. Impacts due to operational traffic are also assessed as negligible. Tenant(s)/end users for the commercial areas have not yet been identified and therefore noise emissions from the units have not been assessed. The ES has been reviewed by the Environmental Protection Officer who has advised that subject to conditions to sufficiently limit any potential detriment to residential amenity the proposed development is acceptable.

Community Safety

- 10.11.6 As an outline application there are no detailed layouts or designs of buildings or spaces. However, the DPF sets out a number of design principles and guidance to guide the detailed design. Avon & Somerset Police (Designing Out Crime Officer) advise that aspects of the detailed design including the layout of roads, footpaths, parking, lighting, communal areas, boundary treatments and layout and orientation of dwellings should ensure people are safe and feel safe and recommend that the development should achieve Secure By Design certification. Devon & Somerset Fire and Rescue Service advise that fire hydrants should be incorporated into the road layout in accordance with the Building Regulations. These matters can be addressed through conditions or informatives.
- 10.11.7 Avon & Somerset Police Estates have also reviewed the application and identified investment in additional staffing (including recruitment costs), building extension, vehicles, mobile equipment and CCTV/ANPR considered necessary to properly service the development. The Police are seeking a contribution towards those costs. Somerset East does not have a Community Infrastructure Levy (CIL) or charging schedule in place and Somerset Council does not operate CIL in the former Mendip area. Contributions would therefore need to be secured through s.106 planning obligations. It is considered, however, that the requested contribution would not meet the relevant tests in respect of planning obligations (Regulation 122 of the Community Infrastructure Levy Regulations 2010). The Avon and Somerset Police Designing Out Crime Officer has raised no objection to the application and a condition is proposed requiring that reserved matters applications demonstrate how the design and layout of the development will achieve the objectives set out in the relevant Secure by Design Guide(s). Accordingly, a

financial contribution to Avon & Somerset Police Estates is not considered necessary to make the development acceptable in planning terms.

10.12 Delivery (including Phasing)

- 10.12.1 The joint Applicant for the proposed SGC development is Land Value Alliances (LVA) and the Selwood Garden Community Landowner Consortium. LVA is the project promoter and the Consortium representing the various landowners. As is evident from the planning application red line boundary, not all land holdings within the area covered by the application are included and there are small pockets where properties will remain in situ and with access maintained such as on Little Keyford Lane.
- 10.12.2 If approved, the joint Applicants would be signatories to the s.106 legal agreement. However, at this stage the parties and mechanism to deliver the SGC development i.e. the laying out of the site (including open space), building out of the development (including the school) and provision of infrastructure (including roads, bridges and surface water drainage system) has not been determined. For example, the site could be disposed of to a consortium or individual housebuilder or other developers as a single site or in parcels. Alternatively, LVA may retain an ongoing interest and manage the delivery of the site. Given the absence of a named developer(s) or development partner(s) to manage the project through from the first to final phase, it is important that appropriate controls are put in place to manage that process and ensure the comprehensive development of the site as set out in the application. This will also ensure that the overall vision and importance of its individual components that together would deliver a mixed-use development supported by appropriate social and other infrastructure are delivered.
- 10.12.3 A key part of ensuring the development is implemented on a comprehensive basis would be a Site Wide Infrastructure Plan to set the strategic site-wide elements of the development such as the surface water drainage and the principal road network within which individual reserved matters applications could come forward, with responsibility for delivery of that infrastructure secured through the approved phasing plan. To this end, it is recommended that, prior to submission of any reserved matters application, a Site Wide Infrastructure Plan and implementation programme is approved and that there are defined events that need to be completed before development of the site can progress.
- 10.12.4 The application includes a high-level phasing strategy (included as a Parameter Plan for approval) together with a breakdown of when elements of the development would come forward, as follows:
- Phase 1 comprising construction of the Marston Road access and housing in the western part of the site as well as the laying out of land to the south of the A361 to provide new habitat as part of the bat mitigation strategy. Separately, the new access from Blatchbridge Road would be provided and the laying out of the main employment site. As part of

Phase 1 it is proposed that the No. 30 Bus service is extended to Marston Road/Sandys Hill Lane.

- Phase 2 comprises construction of the A361 access and extension of the internal link road (buses, cyclists and pedestrians only) together with housing in the southern part of the site as well as the laying out of the playing fields and other green infrastructure works adjacent to the River Frome. The new Primary/First school and Nursery would be constructed as part of this phase.
- Phase 3 comprises construction of housing in the south western part of the site accessed from the A361 including allotments and employment space.
- Phase 4 comprises construction of the Little Keyford Lane access and extension of the internal link road (buses, cyclists and pedestrians only) connecting with the centre of the site together with housing in the northern part of the site.
- Phases 5 and 6 comprise the construction of housing in the southern and northern parts of the site. Linked to the phasing of development will be off-site highway works within Frome as well as on the A36.

10.12.5 Subject to the linked delivery of new homes, employment space and social and highway infrastructure, the overall phasing strategy is considered acceptable.

10.12.6 Given the inter-related nature of the different elements of the SGC development and importance of ensuring that the infrastructure is delivered in tandem with (or before) the new homes and employment space it is recommended that, as a minimum, each reserved matters application relates to a defined phase. To ensure that the design principles are carried forward each reserved matters application would need to be preceded by a detailed Design Codes for that phase. These matters would be secured by condition.

Ongoing Stewardship

10.12.7 The SGC development includes significant areas of green infrastructure as well as other community assets that will need to be managed and maintained on a long-term basis. Typically, the management and maintenance of open space in new developments has been through a management company (either set up by or appointed by the developer and funded by the developer and/or through a management charge or levy on properties in the development). Notwithstanding their objection to the application itself, if the SGC application is permitted, Frome Town Council has expressed an interest in being responsible for the management and maintenance of open space and community assets on the site. The application site is located within Selwood Parish rather within the jurisdiction of Frome Town Council. However, subject to resolving relevant administrative matters, a legal agreement could be drafted to allow for Frome Town Council to take on this role. This could be on a 'first refusal' basis in favour of Frome Town Council or subject to agreement between the parties.

10.13 Planning Balance

- 10.13.1 This planning application is for the development of up to 1,700 homes, employment space, landscaping and infrastructure on land to the south of Frome and bounded on its southern edge by the A361. The site lies outside the development limits of Frome in the adopted Local Plan and, other than a small parcel of land on the north side of Little Keyford Lane, is not allocated for development. Accordingly, the proposed development is contrary to the development plan.
- 10.13.2 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development which, in the case of determining a planning application, means approving development proposals that accord with an up-to-date development plan without delay or (NPPF para 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this 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 this Framework taken as a whole.
- 10.13.3 The most important policies in the Mendip Local Plan 2014-2029 for determining this application (see 9.5 above) must be treated as being 'out of date'. This is due to the fact that Somerset East currently only has a housing land supply of 3.67 years. By virtue of the fact that the most recent housing delivery statistics across Somerset East has been below target (requiring an additional 20% buffer to be applied) this is substantially below the required 6-year supply.
- 10.13.4 Given the position on housing land supply para.11d) of the NPPF, (the 'tilted balance') is engaged i.e. permission should be granted unless the circumstances set out in para. 11 d) i. or ii. apply.
- 10.13.5 The application site is not located within a National Landscape area or statutorily designated habitat area (Site of Special Scientific Interest, Special Area of Conservation or Special Protection Area) and there is a non-statutorily designated Local Wildlife Site within the site. There are no designated heritage assets within the site however the site is within the setting of a number of heritage assets (Grade II* and II listed buildings and Registered Park and Garden). The site is within the wider setting of the Cranborne Chase National Landscape area which is also a designated International Dark Sky Reserve. Parts of the application site are also at risk of flooding. It is considered that, with mitigation, those areas or assets of particular importance outlined above will be protected and there are no adverse impacts of the proposed development that would significantly and demonstrably outweigh the benefits of granting planning permission.
- 10.13.6 The site is within the Mells Valley Special Area of Conservation (SAC) consultation zone. As the competent authority for the purposes of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local

planning authority (advised by Somerset Ecology Services and Natural England) is satisfied that (with mitigation) the development will not adversely affect integrity of the Mells Valley SAC in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

- 10.13.7 If granted permission the SGC development would deliver up to 1,700 homes including 30% affordable, contributing towards addressing an existing housing need. It would also provide employment space creating job opportunities and economic activity of economic and social benefit to the town and local area in the long term as well as during construction. The proposals include a Primary/First school and Nursery and a range of public open spaces as well as contributions to off-site facilities.
- 10.13.8 Mitigation measures to address highway impacts have been identified and funding would be secured through a s.106 legal agreement. No built development is proposed within Flood Zones 2 or 3 and it is considered that the proposed surface water drainage strategy will manage surface water and watercourse flooding within controlled routes. As an outline application, there are no details of the layout of the site or design of buildings and open spaces. However, a Design Principles Framework Document submitted for approval with the application provides clear design guidance for buildings, streets and open space that will be taken forward in Design Codes and reserved matters applications. The delivery and phasing of the development would be secured through conditions and planning obligations. It is considered that these weigh in favour of the proposed development.
- 10.13.9 The impact of the proposed development on the setting of habitats, designated landscapes and heritage assets has been considered as part of the assessment of the application. Built development is contained by the A361. However, the development would be visible in close, middle and longer distance views. The extent and scale of the proposed development would result in the complete loss of the existing agricultural landscape and give rise to a permanent change to the setting of designated heritage assets and the National Landscape. It is considered that, given the distance and intervening landscape buffers between the proposed development and National Landscape area, the physical integrity and special features of the National Landscape would not be harmed, its setting compromised, nor the reasons why the area was designated in the first instance. It is considered that the mitigation proposed in terms of lighting levels across the development would maintain the dark sky quality of the wider Dark Sky Reserve.
- 10.13.10 In respect of designated heritage assets, overall it is considered that the impact would be less than substantial and outweighed by the economic, social and environmental benefits of the development.
- 10.13.11 NPPF paragraph 12 notes that the presumption in favour of sustainable development (as set out in NPPF paragraph 11) does not change the statutory status of the development plan as the starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. However, for the reasons set out elsewhere in this report, the most important policies in the Mendip Local

Plan 2014-2029 for the determining this application must be treated as 'out of date'. That said, NPPF paragraph 11d) does not require Local Plan policies to be excluded from consideration completely and the Council may take them into account when conducting the tilted balance exercise. As noted above, the application site is located outside the development limits of Frome, is not allocated for development in the adopted Local Plan nor identified as a site in the 'Limited Update' to LPP2 which is currently in progress. Accordingly, the proposed development is a departure from the development plan.

10.13.12 However, the site is considered to be a generally sustainable location and a departure from the development plan is considered to be justified when considered against the development plan as a whole. In accordance with policies in the Mendip Local Plan, the development will deliver 30% affordable housing and the inclusion of employment space will contribute to the local economy. The proposals include a range of sustainable transport measures serving the site and wider Frome area aimed at promoting active travel and reducing the need to travel by private car. Measures to mitigate impacts of the development on the local and strategic road network have been proposed to the satisfaction of the Highway Authority and National Highways. The development includes an on-site Primary school and nursery (with funding for school places off-site for older children) and funding will be provided to support acute care facilities at RUH Bath. The Frome Medical Centre has advised that it has capacity for residents of the development. Funding for affordable housing, transport measures and social infrastructure will be secured through planning obligations.

10.13.13 The proposals include green infrastructure and landscape enhancements that will maintain the favourable conservation status of populations of European protected species. The impact of the development on the setting of designated heritage assets is considered to be less than substantial and outweighed by the public benefits of the development. The impact of the development on the setting of the National Landscape and on the Dark Sky Reserve is considered to be limited and would not harm its physical integrity and special features nor compromise the reasons why the area was designated in the first instance. Built development is located in areas of lowest flood risk and a strategy to manage surface water drainage has been agreed in principle. The layout, scale and design principles that will guide details of the built form to achieve a design quality are considered acceptable and robust.

10.13.14 The NPPF establishes a presumption in favour of sustainable development and in this case policies which are most important for determining the application, that is housing land supply and delivery, must be treated as out-of-date and work on a replacement Local Plan is at a very early stage. Whilst the scale of the proposal is in excess of historic site allocations and housing developments in Frome, the town is the largest in Somerset East and identified in the adopted Local Plan as a principal settlement where development is to be directed. The SGC development would deliver a mix of residential, commercial and other land uses in the context of a comprehensive plan to be built out over a 15+ year programme of development. In this context and given the general sustainability of Frome and of the application site it is considered

that granting permission for the development would not prejudice the spatial strategy for Frome or the wider area. In the circumstances, it is considered that prematurity would not amount to a clear reason for refusing planning permission.

10.13.15 It is acknowledged that the implementation of the application scheme would result in a visual impact on the urban edge of Frome. However, this impact is not, in itself, considered to be a reason for refusal and furthermore built development is contained by the highway network that forms the Frome bypass. There are no objections from technical consultees that are not capable of being resolved through on or off-site mitigation that would be secured by condition and/or a planning obligation. It is accepted that the quantum of development is significant. However, rather than a combination of smaller scale, piecemeal and disjointed developments, the proposals enable a comprehensive, masterplanned approach to the development of site and to mitigating on and off-site infrastructure requirements. The scale of development also delivers significant social and community benefits including the provision of 510 affordable homes and new publicly accessible open space within the site. It is considered that the delivery of this level of affordable homes and other public benefits carry significant weight to tip the balance in favour of approval.

10.14 Planning Obligations

10.14.1 Local Plan Policy DP19 states that the Council will support the delivery of local infrastructure in line with new development and mitigate or compensate for the effects that new development may have. This includes the use of legal agreements (or other appropriate mechanism) where the implementation of a development would result in specific or direct impacts on a site, its surrounding area or local infrastructure (including amenities and facilities), or a need to compensate for loss or damage caused by a development.

10.14.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is considered that the proposed planning obligations meet these tests.

10.14.3 S.106 Heads of Terms

Topic	Key Terms
Affordable Housing	<ul style="list-style-type: none"> • 30% on site (510 homes (based on 1,700 total)) • 70% Social Rent • 30% Intermediate • Delivery per phase • Clustering (maximum number)
Education (First/Primary school and Nursery)	£9,893,130 (£5,819.49/dwelling) <ul style="list-style-type: none"> • On-site provision (2.1ha)

Topic	Key Terms
	<ul style="list-style-type: none"> • Construction on site by developer to Education Department specification or serviced site and construction by Somerset Council, funded by developer • Contribution to off-site provision (interim) £1,695,040 (£997.08/dwelling)
Education Middle Upper SEND	<ul style="list-style-type: none"> • Contribution to off-site provision • £6,376,356 (£3,750.80/dwelling) • £4,190,329 (£2,464.90/dwelling) • £1,583,014 (£931.19/dwelling)
Open space	<ul style="list-style-type: none"> • On site provision by phase • Management responsibilities (FTC or ManCo)
Highway works	<p>Contribution to works at junctions in Frome:</p> <ul style="list-style-type: none"> • Marston roundabout - total cost • A361 Signal controlled junctions (x2) - £175,000 • Gorehedge junction - £102,200 • The Butts - £60,000
Highway works	<ul style="list-style-type: none"> • Contribution to A36 junction works (to be implemented by the Highway Authority) <p>Total cost of works £4.23m</p>
Public transport	<ul style="list-style-type: none"> • Contribution to expand/extend No. 30 Bus service - £247,000
Sustainable transport	<ul style="list-style-type: none"> • On site provision • Electric scooters/bikes (£187,500) • Car Club (£41,250) • Resident Green Travel vouchers (£313,700)
Sustainable transport	<ul style="list-style-type: none"> • Financial contributions: • Off-site Active Travel routes (£600,000) • Cycle stands/wayfinding (£100,000) • Station improvement study (£25,000)
Travel Plans	<ul style="list-style-type: none"> • Detailed Residential, Employment, School Travel Plans • Travel Plan Coordinator (£72,800) • Travel surveys (£90,200)
Public access/rights of way	<ul style="list-style-type: none"> • Unrestricted public access to on site open space
Health (acute care)	<ul style="list-style-type: none"> • Off site contribution (£289,943)
Sports (pitch)	<ul style="list-style-type: none"> • On site provision

Topic	Key Terms
Sports (pitches)	<ul style="list-style-type: none"> • Off site improvements to Frome Town United Football Academy and Frome Town RFC (£400,000)
Community meeting space	<ul style="list-style-type: none"> • On site provision • Terms of provision
Ecological scheme	<ul style="list-style-type: none"> • Landscape and Ecological Management Plan (including ongoing management and maintenance) • Provision of bat habitat • Biodiversity Net Gain works (including long term management and maintenance)
Local Labour	<ul style="list-style-type: none"> • Training and employment opportunities during construction • Contribution to construction training (£250,000)
Monitoring Charge	<ul style="list-style-type: none"> • Payment triggers

11. Local Finance Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration means:

- i) a grant or other financial assistance that has been, or will or that could be, provided to a relevant authority by a Minister of the Crown; or
- ii) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

11.2 The former Mendip District Council did not have a CIL or charging schedule in place and Somerset Council does not operate CIL in the former Mendip area. However, if planning permission is granted for the proposed development, under the Government's current New Homes Bonus scheme the Council would receive payments. Although the final amount would be dependent on a number of factors, on the basis that the scheme remains in place this is a material consideration in the determination of this application.

12. Recommendation

Subject to

- the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a 'call-in' direction under Section 77 of the Town and Country Planning Act 1990; and
- National Highways having withdrawn their Holding Recommendation

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- the recommended Conditions set out in Paragraph 3.1 of the Officer Report and such non-material amendments thereto as Officers may consider appropriate to ensure the acceptable implementation of the development; and
- the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report

CONDITIONS

1. Outline Reserved Matters Time Limit (Compliance)

- (a) No phase of the development hereby approved shall be commenced unless and until an application for written approval of the matters reserved by this planning permission (the Reserved Matters) in respect of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications shall include plans, sections and elevations (as appropriate) detailing:
- Access
 - Layout
 - Scale
 - Appearance
 - Landscaping
- (b) The first application for approval of the Reserved Matters shall be submitted not later than the expiration of two years from the date of this permission;
- (c) The development shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved whichever is the latest.

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 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Site Wide Infrastructure Plan

No part of the development hereby approved shall be commenced unless and until a Site Wide Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Wide Infrastructure Plan shall include details of the following:

- i) Strategic road network
- ii) Strategic open space
- iii) Surface and foul water drainage

The development hereby approved shall be implemented in accordance with the approved Site Wide Infrastructure Plan

Reason: To ensure the development is in accordance with Policy DP8 and DP9 of the Mendip Local Plan.

3. Phasing (Details)

Each reserved matters application shall comprise a phase of the development (as shown on Drawing 2034 Rev.2 dated 20/09/2023) and shall include details of the sequencing and programme for the construction and completion of buildings, roads, cycle routes and footpaths; landscaping and areas of public realm including the provision Neighbourhood and Local Equipped Areas of Play and Local Areas of Play; and the location of fire hydrants.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is delivered in accordance with the approved Parameter Plans and to ensure the comprehensive development of the site and creation of a high quality place, in accordance with Policy DP7 of the Mendip Local Plan.

4. Land Use Reconciliation (Compliance)

Each Reserved Matters application shall be accompanied by a Reconciliation Statement specifying:

- i) what is proposed in the Reserved Matters application;
- ii) what is permitted by this outline permission but not the subject of Reserved Matters application or approval
- iii) what has been completed at the date of the Reserved Matters application;
- iv) what has Reserved Matters approval but is not built

The Reconciliation Statement shall demonstrate how the development the subject of the Reserved Matters application is consistent with the overall proposals for the site as established by the approved land use mix and approved Parameter Plans.

The Reconciliation Statement shall include a development table which shall include details of the following:

- (a) The Use Class and floor area of all non-residential use(s) (sqm GIA) by reference to the approved land use mix;
- (c) The size and number of dwellings (Use Class C3);
- (d) The number of car parking, motorcycle parking and cycle parking spaces for residential dwellings, non-residential uses and public use.

Reason: To enable the Local Planning Authority to be satisfied that detailed proposals for part of the site are consistent with the outline proposals for the Site as a whole, the approved land use mix and Parameter Plans.

5. Design Codes

Prior to the submission of any Reserved Matters application(s), detailed Design Codes for the phase of development to which it relates shall be submitted to and approved in writing by the Local Planning Authority. The Design Codes shall include, but not be limited to details of:

- (a) Site layout principles
- (b) Architectural strategy and design styles relevant to that phase;
- (c) Block types, separation distances, building depths and house types;
- (d) Facing and roofing materials, boundary treatments;

- (e) Hard and soft landscaping and public realm strategy including materials and surfacing types;
- (f) Sustainable construction techniques, on-site renewable energy generation and carbon emission reduction measures

These details will be in compliance with the approved Design Principles Framework Document.

The relevant phase of the development shall be implemented in accordance with the approved Design Code.

Reason

To ensure the detailed design of the development to accord with Policy DP1 and DP7 of the Mendip Local Plan.

6. Compliance Statement

Applications for the approval of Reserved Matters shall be accompanied by a statement demonstrating how they accord with the approved Parameter Plans and the approved Design Codes or (where relevant) explaining why they do not.

Reason: To ensure high standards of design and To ensure the detailed design of the development to accord with Policy DP1 and DP7 of the Mendip Local Plan.

7. Noise Insulation

Each Reserved Matters application shall include details of a Sound Insulation Strategy required to support the indicative design specification for residential properties within and adjoining the site as detailed in 11.7 (Mitigation Measures & Monitoring) and 11.8 (External Noise Affecting the Proposed New Housing) of the Environmental Statement. The Sound Insulation Strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented prior to first occupation of any part of the proposed development requiring the measures. All sound level measurements to be expressed as 'A' weighted "Fast" response levels unless otherwise stated.

Reason: To protect residential amenity in accordance with Policies DP8 of the Mendip Local Plan and having regard to the NPPF, in particular Chapter 15.

8. Electric Vehicle Charging

Each Reserved Matters application shall include details of the location and specification of Electric Vehicle (EV) charging provision. Details shall include the provision of at least 1 EV "rapid charge" point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space shall be made available. The development shall not be first occupied until the proposed commercial use and dwelling(s) have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development, in accordance with Policies DP7 of the Mendip Local Plan.

9. Material Samples

Each application for approval of Reserved Matters shall include a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, for the phase of development to which it relates. The relevant phase of the development shall thereafter be carried out only in accordance with the approved schedule of materials.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1 and DP7 of the Mendip District Local Plan.

10. Hard and Soft Landscaping

Each application for approval of Reserved Matters shall include a hard and soft landscaping/planting scheme for the phase of the development to which it relates. 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 and
- (e) a detailed programme of implementation.

The approved landscaping/planting scheme shall be implemented in full within the first available planting season from the date of commencement of the relevant phase of the development.

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, and 7 of the Mendip Local Plan.

11. Construction Environmental Management Plan (Residential Amenity)

No works shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority in order to ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the demolition, preparatory groundworks and construction phases of development on occupiers of nearby properties in the interests of residential amenity and sustainable development.

The CEMP shall include, but not be limited to, the following:

- a. Details of the routing of delivery and construction vehicles to/from the site
- b. Details of the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site.
- c. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration.

- d. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted;
- e. Delivery and construction working hours;
- f. Loading and unloading of plant and materials;
- g. Storage of plant and materials used in constructing the development;
- h. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities
- i. Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- j. The parking of vehicles of site operatives and visitors;

Noise generating activities shall not occur outside of the following hours:

Mon - Fri 08:00-18:00

Sat – 08:00 – 13:00

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

Reason: To minimise the effect of noise, odour and dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan and having regard to the NPPF, in particular Chapter 15.

12. Construction Environmental Management Plan (Biodiversity)

A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. 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 matters raised in documents titled ‘7.0 Chapter 7: Ecology & Nature Conservation’ (submitted 5th August 2022) (excluding measures delineated for matters pertaining to the Mells Valley Special Area of Conservation bats); ‘Outline Horseshoe Bat Mitigation Strategy’ (Submitted 21st February, 2024); ‘Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT’ (submitted 21st February, 2024) in addition recommendations obtained from updated ecological and habitat surveys where deemed appropriate by a suitably qualified ecological consultant.
- (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, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
- (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.

No development of the relevant phase shall commence until the CEMP: Biodiversity has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction, in accordance with Policy DP5 of the Mendip Local Plan.

13. Lux Contour Plan (Lighting Strategy)

A Lighting Strategy (including biodiversity impact) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The Lighting Strategy shall:

- (a) identify those areas/features of the site that are particularly sensitive for bats and other identified light sensitive species identified in documents titled '7.0 Chapter 7: Ecology & Nature Conservation' (submitted 5th of August, 2022) (excluding measures delineated for matters pertaining to the Mells Valley Special Area of Conservation bats); 'Outline Horseshoe Bat Mitigation Strategy' (Submitted 21st February, 2024); 'Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT' (submitted 21st February, 2024) and that are vulnerable to light disturbance in or around their breeding sites and 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 appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
- (c) the design should accord with Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels; and
- (d) show the design is broadly consistent with the principles set out within the 'Appendix 7.A – Bat Mitigation Strategy' within section '4. Dedicated Bat Habitat' and section '5. Lighting Design' (as submitted on the 21st February, 2024 as submitted at Outline stage).

No development of the relevant phase shall commence until the Lighting Strategy has been approved in writing by the Local Planning Authority and all external lighting shall thereafter be installed in accordance with the approved specifications and locations set out in the approved Lighting Strategy and shall be maintained thereafter in accordance with the said strategy.

Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy DP5 of the Mendip Local Plan.

14. Reptile Mitigation Strategy – Condition (Reserved Matters)

No development of a phase shall take place (including ground works or vegetation clearance) until a Reptile Mitigation Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

- (a) The proposed construction working practices to avoid harming reptiles.
- (b) Details of proposed location, to accommodate any reptiles discovered during the works.
- (c) The timing of works to minimise the impact on reptiles.
- (d) If required, details of the location and status of translocation site.

The development of the relevant phase shall thereafter be carried out strictly in accordance with the approved Reptile Mitigation Strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection and the 'Favourable Conservation Status' of UK protected species of reptile, UK priority species of reptile listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with the National Planning Policy Framework 2023.

This is a pre-commencement condition as harm to protected species needs to be prevented from the earliest states of the development.

15. Further Updated or Supplementary Surveys (Habitats, Badgers, Bats, Reptiles, Water voles, Otters, Invertebrates, Hazel Dormouse, Birds)

Unless otherwise justified to the satisfaction of the Local Planning Authority by a suitably qualified ecologist as to why updated surveys for a species(s) are not required, no works shall commence on a phase until updated supplementary ecological surveys of that phase of the site have been undertaken submitted and approved in writing by the Local Planning Authority as part of any Reserved Matters application. Surveys shall be undertaken in accordance with the most up-to-date good practice guidelines pertaining to the respective habitats and species.

Reason: In the interests of the strict protection and 'Favourable Conservation Status' of European Protected Species and UK protected species of bats, UK priority species of bats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with the National Planning Policy Framework 2023.

This is a pre-commencement condition as harm to protected species needs to be prevented from the earliest states of the development.

16. Post Construction Biodiversity Monitoring

No development of any phase shall take place, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The purpose of the Biodiversity Monitoring Strategy shall be to monitor retained, enhance, created

habitats as well as associated protected species which they are designed for. The content of the Biodiversity Monitoring Strategy shall be in accordance with the Habitat Management and Monitoring Plan (HMMP) as outlined in the guidance template provided by Natural England and will include but not necessarily be limited to the following details:

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

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

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the approved Biodiversity Monitoring Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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 Local Plan.

17. Biodiversity Enhancement and Management Plan (BEMP)

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted with each Reserved Matters application for the phase to which it relates. The BEMP will include details on the proposed enhancements as outlined in 'Chapter 7: Ecology & Nature Conservation' of Grassroot Planning's 'Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT' (as submitted on the 21st February 2024) and in Grassroots complete Biodiversity Metric Calculator dated 25th September 2023 as submitted on the 21st February 2024.

No development of a phase shall commence until the BEMP for that phase has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved BEMP.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework.

18. European Protected Species Mitigation Licence (Bats, Badgers, Otter) (Pre-commencement)

No works to or demolition of buildings or structures shall commence until one of the following have been submitted to the Local Planning Authority:

- (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to proceed; or
- (b) (Bats only) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- (c) a statement in writing from the licensed (in respect of the concerned species(s)) ecologist to the effect that he/she considers that the specified development will not require a licence.

Reason: In the interests of the strict protection and 'Favourable Conservation Status' of European Protected Species and UK protected species of bats, UK priority species of bats listed on s41 of the Natural Environment and Rural Communities Act 2006, and the National Planning Policy Framework 2023. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

19. Roost Compensation (bats)

No development of any phase shall commence until details of roosting compensatory measures to be provided in the design of the buildings in that phase, in accordance with the results of the updated bat activity surveys submitted under Condition 15, have been submitted to and approved by the Local Planning Authority. Details shall include the location of roost entrances and internal details. 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 compensatory measures will be implemented in strict accordance with the approved design and maintained for the exclusive use of bats thereafter.

Reason: This is a pre-commencement condition 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.

20. Surface Water Drainage

No development of any phase shall be commenced until details of the sustainable surface water drainage scheme (SuDs) to control and attenuate surface water for that phase, to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by the National Planning Policy Framework (2023) and the Flood and Water Management Act 2010, has been submitted to and approved in writing by the Local Planning Authority.

This shall include but not be limited to the following details:

- a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - ii) Where relevant, calculations should consider the use of surcharged outfall conditions.
 - iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- f) Details on watercourse crossings, any works to watercourses and outfall locations.

The development of the relevant phase shall implemented in accordance with the approved details for that phase and maintained at all times thereafter.

Reason: To ensure the development is properly drained in accordance with para. 173 of the NPPF.

21. Surface Water Drainage (Updated Hydraulic Model)

No development shall be commenced until an updated hydraulic model with the most up to date climate change figures been submitted to and approved in writing by the Local Planning Authority. The development shall include measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings.

The development shall be implemented in accordance with the approved hydraulic model and maintained at all times thereafter.

Reason: To ensure that flooding from all sources is properly managed in accordance with para. 173 of the NPPF.

22. Surface Water Drainage: Management and Maintenance

No phase of the development shall be occupied or brought into use until a scheme for the future management responsibility and maintenance of the surface water drainage system serving that phase has been submitted to and approved by the Local Planning Authority.

The scheme shall include but not be limited to the following details:

- (a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed application under Section 104 of Water Industry Act 1991) or management company.
- (b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

The development of the relevant phase shall implemented in accordance with the approved scheme.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with para. 173 of the NPPF.

23. Drainage Strategy

A detailed drainage strategy must be submitted with every Reserved Matters application. The detailed drainage strategy must be in accordance with the submitted Preliminary Foul Water Drainage Strategy VD19204 and show how the phase, where necessary, facilitates connections for future phases in accordance with VD19204 in a timely and planned manner.

The development shall be implemented in accordance with the approved detailed drainage strategy and maintained at all times thereafter.

Reason: To ensure implementation of a joined up foul drainage strategy avoiding duplication and designed with maximum energy and carbon savings in accordance with Mendip Development Policy 7 (Design and Amenity of New Development).

24. Pollution Prevention (Construction)

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.
7. A control/management plan for Himalayan balsam on the site.
8. An ecological enhancement and management strategy.

9. Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment in accordance with Policy DP8 of the Mendip Local Plan.

25. Site Characterisation Investigation

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This risk assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The risk assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM) 2019'. The risk assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

This is a pre-commencement condition because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

26. Submission of Remediation Scheme

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include:

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

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

The approved remediation scheme shall be carried out prior to the commencement of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

This is a pre-commencement condition because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

27. Verification Reporting

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no occupation shall be permitted (or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase) until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation required by Condition 26 has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

28. Reporting of Unexpected Contamination or Constraints

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless revised arrangements for remediation have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised remediation

scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the remediation scheme approved pursuant to Condition 26.

Reason: In order to ensure that the site is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

29. Programme of Works in Accordance with a Written Scheme of Investigation

No development hereby permitted shall commence until a programme of archaeological work is implemented in accordance with a Written Scheme of Investigation (WSI) to be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The WSI shall include details of the archaeological investigations including geophysical survey, trial trenching and potential mitigations. A subsequent report must be produced if the archaeological evaluation leads to further excavations on the site. The development hereby permitted shall be carried out in accordance with the approved WSI.

Reason: The site has the potential of being of archaeological interest and therefore as requiring further archaeological investigation in accordance with Policy DP3 of the Mendip Local Plan.

30. Archaeology and Ensuring Completion Of Works

No building shall be occupied until the site archaeological investigation required by Condition 29 has been completed and post-excavation analysis has been initiated in accordance with the approved WSI and provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: The site has the potential of being of archaeological interest and therefore as requiring further archaeological investigation in accordance with Policy DP3 of the Mendip Local Plan.

31. Secure By Design

Each Reserved Matters application shall include a statement demonstrating how the design and layout of that part of the development will achieve the objectives set out in the relevant Secure by Design Guide(s).

Reason: To create safer and more sustainable communities in accordance with Mendip local Plan Policy DP7.

32. Residential Amenity (Noise)

Prior to installation details of any plant and equipment on non-residential (Class C3) buildings (include kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant) shall be submitted to an approved by the Local Planning Authority. The rating of the noise emitted from fixed plant on the site shall be a minimum of 5dB below the existing background level at any time. The noise levels shall be determined at the facade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS 4142:2014.Noise from Fixed Plant and Machinery (General). That part of the

development shall not be occupied until the details and any necessary and approved mitigation scheme has been implemented in full.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy DP8 of the Mendip Local Plan.

33. Non-Residential – Hours of Use

Any floorspace occupied by Use Class E a), b), c) shall be open to customers only between the hours of 07.00am- 22.00pm Monday to Sunday. No deliveries to premises occupied for these uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

Reason: To protect the amenity of people living nearby in accordance with Policy DP8 of the Mendip Local Plan.

34. Highway Details

Details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking and street furniture shall be constructed and laid out in accordance with details submitted to and approved in writing by the Local Planning Authority.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority before the commencement of each phase of the development.

The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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 footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of amenity and highway safety and to ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard in accordance with Policy DP9 of the Mendip Local Plan.

35. A36 Junction Works Stage 1

No more than 400 dwellings or up to 6,500sqm of employment (Classes E, B2 and B8) floorspace shall be occupied prior to the delivery of improvement works to the A36 White Row and A36 Beckington junctions as generally shown on drawings 19016-PHL-302 Rev J and 19016-PHL-402 Rev J, or an alternative scheme which provides equal or greater capacity and safety benefit as may be agreed in writing by the Local Planning Authority (who shall consult with National Highways), have been completed in accordance with the Local Planning Authority's approval (who shall consult with the National Highways) and are open to traffic.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

36. A36 Junction Monitoring

Following occupation of the 401st dwelling or in excess of 6,500 sqm of employment (Classes E, B2 and B8) floorspace (the 'Trigger Point') and until the first anniversary of full occupation of the development hereby approved, or commencement of works that may be required as part of Condition 37, generally in accordance with Drawing referenced 19106-PHL-304 Rev E (or other scheme as agreed with the Local Planning Authority in consultation with National Highways), the Applicant/Developer shall commission annual monitoring surveys of the A36 northbound approach to the A36 'White Row' roundabout junction. The surveys shall be undertaken over a two week period, during term time in a neutral month and the survey timing, methodology and definition of a queue length shall be agreed in writing by the Local Planning Authority in consultation with National Highways within six months of the Trigger Point. The survey findings and data shall be presented in a report (the survey report), and submitted to the Local Planning Authority within 1 calendar month of the survey being undertaken.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

37. A36 Further Works

If the survey report required by Condition 36 records that the A36 northbound queue length to the White Row roundabout, measured from the roundabout entry point, exceeds 700m for a cumulative duration of 100 minutes measured over 10 consecutive surveyed working days then junction improvement works shall be undertaken in general accordance with Drawing referenced 19106-PHL-304 Rev E, or other scheme as agreed with the Local Planning Authority in consultation with National Highways. If the works have not been completed in accordance with the Local Planning Authority's approval (who shall consult with the National Highways) and are not open to traffic within 12 months of the survey report's submission, unless otherwise agreed in writing with the Local Planning Authority in consultation with National Highways, no first occupations of dwellings (i.e. new property registrations with the Land Registry), or first occupations of the employment space, hereby permitted shall occur until the works are completed and open to traffic.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

38. Public Rights of Way

No development hereby approved which shall interfere with or compromise the use of footpaths FR 14/39 and FR 14/40 and bridleway FR 14/UN shall take place until a Path Diversion Order has been made and confirmed. On confirmation of the Order the diverted route shall be completed and made available to the public prior to the occupation of 50% of the residential units in the phase(s) of the development within which the existing footpath and diverted route are located.

Reason: To ensure that existing Public Rights of Way through the application site and recorded on the Council's Definitive Map are maintained or where diversion is proposed alternative alignment has been submitted and approved by the Local Planning Authority.

39. Plans List

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

- 2026 Rev.Q

- 2027 Rev.S
- 2028 Rev.N
- 2029 Rev.H
- 2033 Rev.K
- 2034 Rev.C
- 19016-PHL-A01_ Rev.J
- 19016-PHL-B02_ Rev.J
- 19016-PHL-C03_ Rev.H
- 19016-PHL-F02_ Rev.E
- Design Principles Framework Document v11 (July 2024)

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

INFORMATIVES

Habitats Survey Record

With respect to Design Principle 8 (Development Principles Framework Document v11 July 2024) the Existing Habitats and Land Management Plan (Rev. v8 27.02.2023, ES Addendum February 2024 Appendix 4) shall form the basis for reserved matters applications.

Amenity Conflict Potential

Occupiers of the development hereby approved may from time to time experience some noise annoyance associated with neighbouring commercial use or from existing road networks. It should be noted that such annoyances may not necessarily, be actionable under Environmental Health powers bestowed upon the Council. Further advice can be obtained from the Environmental Protection Team

The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia ; the Statutory Nuisance provisions of Part III of The Environmental Protection Act1990.

Public Rights of Way

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>

LLFA

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

River Frome/Environmental Permits

No buildings shall be located within 8 m from the edge of Flood Zone 2 to allow for climate change impact, and no ground raising or landscaping to take place within Flood Zones 2 and 3.

The River Frome and other watercourses/ditches on site and their corridors and associated riparian vegetation should be retained as green corridors/blue infrastructure, however any proposals including planting/landscaping within the 8m strip extending back from the top of bank for the River Frome should be discussed with the Agency to ensure they are appropriate given the location and existing habitats.

Any development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Frome a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission.

To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area.

Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system after conferring with the sewerage undertaker. As indicated within the planning documents.

European Protected Species Mitigation Licence (Bats, Badgers, Otter) Licence

No works to or demolition of buildings or structures should commence until one of the following have been submitted to the Local Planning Authority:

- (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to proceed; or
- (b) (Bats only) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- (c) a statement in writing from the licensed (in respect of the concerned species(s)) ecologist to the effect that he/she considers that the specified development will not require a licence.

Application Details	
Application Reference Number:	2023/1070/FUL
Application Types:	Full application
Extension of Time:	Yes
Description:	Construction and operation of an energy storage facility, fencing, landscape planting, site access, drainage, infrastructure, lighting, CCTV equipment and underground cabling.
Site Address:	Land North Of Styles Close, Frome
Parish:	Frome Town Council
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Nikki White
Agent:	SLR Consulting Ltd
Applicant:	Trina Solar UK HoldCo Ltd
Reason for reporting application to Members:	The application is recommended for approval which is contrary to objections raised by a divisional member and the town council. Additionally, a divisional member has requested that the application be referred to the planning committee. As the application constitutes a major development, the scheme of delegation requires the planning committee to determine the application.

1. Recommendation

1.1 **That planning permission be granted subject to the recommended planning obligations in a legal agreement and the planning conditions and informatives as set out in this report.**

1.2 **That the application be advertised as a departure from the development plan. In the event that new and substantive matters are raised as part of the departure advertisement then the application will be returned to the planning committee.**

2. Executive Summary of Key Reasons for Recommendation

2.1 The proposal relates to a 30WM battery energy storage system (BESS) adjacent to an existing SSE sub-station. The site is outside but adjacent to the development limits of Frome, and is proposed to be accessed from Styles Close, which is a residential cul-de-sac to the east of the town. The site is greenfield, with some sheds on the south west corner (to be retained). As well as a watercourse and railway line to the north, open green fields are north and east of the site.

- 2.2 The proposed development would consist of a collection of buildings and equipment to the west of the existing substation, a gated access point with track parking and turning area, landscaping and a wetland.
- 2.3 The facility would be used to store power for controlled distribution. It is understood that some of the power stored would be from renewable sources and some would be from fossil fuels. As the energy sector is moving closer towards all energy coming from low carbon sources, the proposal would contribute towards aspirations for green and stable energy supply, which has weight in the planning balance.
- 2.4 Significant consultation comments have been received and key issues raised include impact on the character and appearance of the area and fire safety concerns. Although the development would change the character of this greenfield site, this is in the context of an existing power station. Impacts would be mitigated due to the characteristics of the site and design proposed – including distance from residential properties and generous planting package proposed which would help to screen visual impacts.
- 2.5 Following detailed review of the fire safety matters and detailed comments from the Devon and Somerset Fire and Rescue Service, who has not objected, the proposal is concluded to meet the guidance set out in the national planning guidance and the ‘Grid Scale Battery Energy Storage System planning – Guidance for FRS’ which was prepared by the National Fire Chiefs Council (NFCC). As is established practise for BESS applications, a draft emergency protocol document has been received and considered by Devon and Somerset Fire and Rescue Service, with a final version recommended to be agreed via condition and consultation with Devon and Somerset Fire and Rescue Service. Devon and Somerset Fire and Rescue Service has confirmed that a final version, which meets the requirements set out in the guidance, is possible. Although the significant local concerns are acknowledged, there are no known planning reasons why the planning application cannot be supported in these circumstances.
- 2.6 The proposal includes on and off site ecological mitigation, which has been agreed by with the Somerset Council ecologist and Natural England. The proposal is concluded to be acceptable in relation to impact on protected species and habitats, as well as biodiversity net gain (13.35% biodiversity net gain overall, consisting of (+1.32) for habitat units and 54.92% (+1.55) hedgerow units).
- 2.7 The application is concluded to be acceptable in all other relevant planning matters, including highway safety, trees and new planting, drainage, health and well-being and archaeology.
- 2.8 When considering the benefits of supporting energy storage (including renewable energy) against the harms (including landscape and character), the application is recommended for approval, subject to a legal agreement and a number of conditions and informatives.

3. Planning Obligations, Conditions and Informatives

Planning Obligations

- 3.1 Off-site ecological mitigation/enhancement via 0.7ha of grassland adjacent to the north of a small copse of woodland is proposed approximately 2.6km from the application site. This is shown within the document titled 'Off Site Area for BNG & HEP Requirement for planning application APP/2023/1070/FUL' (ref: SLR Project No: 404.000030.00002) as Figure 1 'Proposed Off-Site Habitat Enhancement Area Location'. This is also contained in the SHADOW HABITATS REGULATIONS ASSESSEMENT (revised), which was received on 08.01.2025.
- 3.2 Obligations will also require the submission and agreement of a Landscape and Ecological Management Plan (LEMP) and confirmation of compliance with the LEMP, as per the recommendations from the ecologist.

Conditions

- 3.3 The following conditions are recommended:
- Plans list
 - Time limit (three years for implementation)
 - Time limit (temporary permission)
 - Removal of works
 - Battery Safety Management Plan (BSMP)
 - Emergency Pollution Control Method Statement
 - Battery storage surface water drainage
 - Hard and soft landscaping
 - Building materials
 - Hard boundary treatments
 - Construction Environmental Management Plan: Biodiversity
 - External lighting
 - Biodiversity enhancements
 - Arboricultural Method Statement
 - Tree Protection Plan
 - Noise
 - Construction Management Plan
 - Programme of works in accordance with a Written Scheme of Investigation

Informatives

- 3.4 The following informatives are recommended:

- Approval
- Condition categories
- Adhering to conditions
- Section 106 agreement
- Badgers
- Bats
- Bird nesting season

4. **Procedural Clarifications**

- 4.1 Mendip District Council has ceased to exist. Somerset County Council and four other district councils in Somerset (including Mendip, Sedgemoor, Somerset West and Taunton Council and South Somerset) were replaced on 1st April 2023 by a new unitary council, known as ‘Somerset Council.’ In terms of the application site, the Mendip District Local Plan (Parts I and II) and the Frome Neighbourhood Plan still comprise the relevant development plan.
- 4.2 This planning application does not include signage. Any proposed signage outside of permitted development would be subject to a separate advertisement consent application.
- 4.3 Reference to a secondary access in a now superseded statement from the applicant should be disregarded. The site has only ever included one access point, from Styles Close.

5. **Proposed Development, Site and Surroundings**

Details of Proposal

- 5.1 The application seeks permission for the construction and operation of an energy storage facility with associated works including fencing, landscape planting, site access, drainage, infrastructure, lighting, CCTV equipment and underground cabling. The energy storage facility would have 30MW capacity. Permission is sought for operation of the development for 40 years.
- 5.2 The application confirms that the primary equipment associated with the proposal includes the following:
- 8 x battery blocks, each comprising four battery units arranged in pairs
 - 4 x medium voltage (MV) transformers
 - 1 x auxiliary transformer
 - 8 x power conversion system (PCS) inverters
 - 8 x battery interface cabinets (BIC)
 - 1 x client control building
 - SSE substation.
- 5.3 The proposal also includes:

- Timber fence (2.4M)
- Acoustic fence (4m)
- Access gate
- Lighting and CCTV equipment
- Wetland and swale (for drainage attenuation and ecology)
- Surfacing to include gravel/crushed stone with grasscrete for the access track
- Ecological enhancements - creation 180m of native hedgerow (high value habitat for foraging bats), 0.49ha of wildflower grassland, 0.009ha swale with wetland margins, and 0.02ha of scrub enhancement
- 2 x parking spaces
- Levels changes

5.4 In terms of operating hours, the Planning Statement confirms the proposals thus:

'The site would be on stand-by to operate when required 24 hours a day due to the nature of the equipment to be installed (i.e. its role is to support the local electricity network). However, the facility would be controlled remotely, and the site would therefore be unmanned, though regular maintenance would be undertaken in the form of a visit by a car/light goods vehicle on average once per fortnight. The site would require 24-hour remote monitoring and the compounds would only be accessed in the unlikely event of equipment failure or for ongoing maintenance.'

5.5 The application states that construction period would be around six months.

5.6 During the life of the application updated information and plans have been received on the following:

- Reduction in the height of the acoustic fence from 5m to 4m, with associated updated plans and acoustic report
- Enhanced planting package
- Additional ecological information, including off site bat mitigation

5.7 Part 5.1 of the submitted Planning Statement summarises the proposal thus:

*'The proposed development will comprise 30MW (generation capacity) of lithium-iron-phosphate (LiFePO₄) battery technology, a grid connection, a dedicated accessway, and ancillary infrastructure. The proposed development layout is shown on **Drawing FP-DWG-02 Site Layout Plan**.*

Trina Solar is requesting a 40-year operational consent for the proposed development. Operations would commence on the date of first commercial connection of the energy storage facility to the grid.

The proposed development is intended to provide services which support the flexible operation of the electricity network and the decarbonisation of electricity supply by balancing electricity supply and demand. The proposed development would import, store and regenerate electricity for export back to the grid but would not generate any additional electricity. The proposed energy storage facility would store electricity that is generated by generating stations such as solar, with this energy subsequently exported back into the grid when required. This reduces short-term fluctuations in electricity supply and demand to the National Grid, thus improving stability and reducing the risk of power failures to the local area.

Energy storage and energy management facilities of this type will be essential to enable the transition to renewable energy which tends to be intermittent and prone to fluctuation.'

Site and Surroundings

- 5.8 The application relates to land to the north of Styles Close on the eastern edge of Frome. The site is outside but adjacent to the settlement limits of Frome. The site is within the SSSI Impact Risk Zone and the Mells Valley SAC bat consultation zone (band C).
- 5.9 The site is greenfield, with some sheds on the south west corner of the site (to be retained). It is currently tenanted for equestrian use. Residential properties are located to the south and west of the site. Open green fields are north and east of the site, and the railway line as well as the river are to the north of the site.
- 5.10 The development is proposed to be accessed from Styles Close, which is a residential cul-de-sac to the south of the site.

6. Relevant Planning History

- 6.1 The following planning history is relevant to the assessment of this planning application:
- 2016/0810/FUL - Proposed agricultural access – approved with conditions – 31.05.2016
 - 108224/000 – Change of use of land to allotments – approved with conditions – 31.05.1989 [assumed to be unimplemented]
- 6.2 There has been a recent application at the adjacent sub-station:
- 2023/1912/CLP Land At 378769 147997 Rodden Road – Erection of 132kV gas insulated switchgear building and a 33kV switch house building – decision - development is lawful

7. Consultation and Representations

7.1 Comments from consultees are summarised in the table below. Comments are available to view in full on the Council's website.

Table 1: Summary of Consultee Comments

Consultee	Summary of Consultee Comments
Cllr Kay (divisional member)	<p>Call to committee</p> <ul style="list-style-type: none"> • High levels of public interest in this application. • Concerns raised include safety, especially fire hazards. • Concerns raised also include amenity for residents nearby due to noise issues.
Cllr Collins (divisional member)	<p>Objection</p> <ul style="list-style-type: none"> • Unclear which part of the development the noise would be coming from. The end near the houses or the stream? • If PB is minded to approve please include a condition on times 7.30am to 9.30pm. 10pm is too late for not sleeping children with windows open. • Italian run, UK registered, tax based in Luxembourg, Chinese owned. This is a narrow agenda planning meeting which can't take ownership into play, but this is not local energy. • More hedging and trees near the houses, access to provide sound muffling. • Why not let a friends of the green space group of residents keep the proposed native wildflower grassland with access. • Where are other examples of this sort of battery park? We should have a listen. Do the applicant have noise level readings from their current battery storage? • If minded to approve apply condition to allow construction access off Rodden Road, not via Styles Close. • I must admit to be torn between the need for battery storage in a renewable world but it seems too close to the houses of Styles Close not to cause noise disturbance and so would like it debated in public by the planning board.
Cllr Michael Dunk	<ul style="list-style-type: none"> • Article (attached) is relevant, and is a focus on the problem of 'thermal runaway' at which point it is almost impossible to stop fires. • New 2024 draft guidance from the National Fire Chiefs Council (NFCC) for Fire and Rescue Services (FRS) which in sections 15 -24 provides the specification for the site location. • Pre-application needed between the developers of the BESS and the FRS in order to ensure that the FRS specifications for this particular site and battery installation are met. • The FRS would also be able to comment on the close proximity of the electric pylon (and sub-station), the

	<p>nearest housing and water course. They provide examples of 'sensitive receptors' that could be within a 1km radius and may find that this site has too many of these examples within that radius.</p> <ul style="list-style-type: none"> • Please comment on this aspect and ensure all FRS advice is met in full.
Frome Town Council	<p>Objection</p> <ul style="list-style-type: none"> • Acknowledge the need for battery storage and other technologies in Frome. • Harm to residential amenity, health and well-being of residents. Noise is a particular concern • Overbearing scale and harmful impact on outlook and character and appearance of the area. • Despite assurances we are very concerned about the risk to public safety, not only the fire/thermal runaway but from the release of toxic gases both into the atmosphere or the nearby stream. • As Frome Town Council is not expert in this technology, we put a lot of store in the recommendations from the National Fire Chiefs Council. We appreciate that they are only recommendations, but we believe that they should be given full weight in the absence of any other UK legislation, or that no decision should be made until the Amendment to the Energy Bill, which will covers BESS sites is made. • Looking at the NFCC fire recommendations, there are a few areas where the Trina project doesn't appear to be following them e.g. distances from residential properties, confirmation as to whether wind direction has been taken into account, spacing between units, whether firewalls are proposed, the appropriateness of the gas suppression systems for fires. • To date, no comments from the fire service. • Applicant should consult with Somerset Fire Service. • Fire safety management plan inadequate. Frome Fire Station is a retained station, so this should be factored into any safety management plan. A Health and Safety Risk Assessment for the site should also be made available for inspection. • May comment further when outstanding consultee comments received.
Highway Authority	<p>No objection subject to construction traffic management condition</p> <ul style="list-style-type: none"> • Proposed to be accessed off Styles Close, an adopted unclassified cul-de-sac. Styles Close is in turn is accessed off the A3098 (Styles Hill), all subject to a 30mph speed restriction. • Access, Highway Safety and Highway Capacity - The proposal would generate an increased level of traffic during the construction phase which is estimated to be

	<p>approximately 6 months. Once completed the site would be unmanned, requiring a maintenance visit estimated to be approximately once every 2 weeks. Access into Styles Close off the A3098 is considered to be acceptable and the temporary spike in vehicle movements during construction is not considered to be significant.</p> <ul style="list-style-type: none"> • Conditions - Whilst it is noted the supporting Transport Statement provides some of the details, a construction traffic management plan will be requested by condition to ensure all matters are addressed. Further condition recommended on compound/construction worker parking. Also, a condition requiring a survey of the existing highway is recommended. • Conclusion - It is not considered the proposal will raise any significant or severe highway safety issues, nor would it have any detrimental effect on the existing highway network. Therefore, the Highway Authority does not raise any objection.
Lead Local Flood Authority (LLFA)	<p>No objection</p> <ul style="list-style-type: none"> • Having reviewed the FLOOD RISK ASSESSMENT AND SURFACE WATER DRAINAGE STRATEGY (April 2023) and Appendix FRA-05 Susceptibility to GW Flooding (April 2023), the LLFA is satisfied with the information provided.
Environmental and Community Protection	<p>No objection subject to conditions (summary of final comments following the submission of additional information)</p> <ul style="list-style-type: none"> • The amended noise assessment proposes a 4m acoustic fence which indicates that noise levels at the nearest noise sensitive properties are likely to be 5 dB above the prevailing background noise levels. BS4142 :2014 + A12019 <i>Methods for rating and assessing industrial and commercial sound</i> allows the context of the noise into account. The additional information has put the predicted noise into context. • Based on the amended information previous objection is now withdrawn. • Conditions - To protect the amenity of nearby residential properties, recommend that conditions attached including noise levels controls and requiring submission and agreement of a construction environmental management plan, including construction hours.
Environment Agency	<ul style="list-style-type: none"> • The proposed energy storage facility would not be an activity the Environment Agency (EA) or local authority would regulate under the 'Environmental Permitting Regulations' (EPR). • Require assurances to the EA that nearby water sources (nearby stream) as well as ground water are not going to be adversely affected during the construction and future operation of the plant.
Network Rail	No objection

	<ul style="list-style-type: none"> • No objections in principle to the above proposals. • Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. • Drainage - Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on buried service checks.
<p>Devon and Somerset Fire and Rescue Service</p>	<p>No objection (summary of all comments)</p> <ul style="list-style-type: none"> • Means of escape in case of fire should comply with the Building Regulations 2010 • Access and facilities, which should include where necessary the provision of private fire hydrants for Fire & Rescue Service appliances, should comply with provisions contained Within ADB, Part B5 of the Building Regulations 2010. • Refer to guidance from the National Fire Chief's Council. • The applicant has submitted the documents which collectively outline some of the safety measures to be employed in the proposed scheme. <p>System design, construction, testing and decommissioning</p> <ul style="list-style-type: none"> • The submitted documentation confirms that the applicant will adopt the recommendations of NFPA 855 in the design, spacing and layout of the site and with the employment of mitigation strategies to reduce fire risk. It also confirms that the battery cells the applicant will use in the development will be certified to UL1973 and UL9540 standards. • Furthermore, the On-site Incident Response Plan confirms that the battery cells will be tested to UL9540A but does not confirm the level of testing. Since UL9540A is a testing method for evaluating fire propagation during thermal runaway, the applicant should ensure the battery technology to be used in the proposed development is tested at installation level or provide robust evidence to support why testing to a lower level is appropriate. • Reviewing the documentation there is little information provided regarding what battery technology will be used in the development and what systems and/or protocols will be adopted to prevent a thermal runaway event from

occurring. The On-site Incident Response Plan does refer to the utilisation of a Battery Management System (BMS) to monitor the operation of the battery cells but does not elaborate on the protocols or alert systems that will be followed should abnormal cell behaviour occur. It is also noted that thermal management of the batteries will be provided by a liquid cooling system that will assist in maintaining battery cells within safe temperature limits.

- The limited information on these aspects of the design is likely due to the applicant not having chosen a specific supplier and is not unusual at this stage of the planning process. Therefore, DSFRS would appreciate further detail and consultation on these matters as soon as possible.

Detection, monitoring and suppression systems

- The documentation confirms that fire and gas detection systems will be installed but does not confirm to what standards these will be installed to.
- The heat/smoke detection system will be critical in identifying the occurrence of a fire and activating the suppression system before the fire can have a thermal impact on the battery cells.
- The gas detection will be equally important in identifying off-gassing and the development of an explosive atmosphere. The On-site Incident Response Plan does indicate that an explosion prevention ventilation system in accordance with NFPA 69 will be installed.
- The limited information on these aspects of the design is likely due to the applicant not having chosen a specific supplier and is not unusual at this stage of the planning process. Therefore, DSFRS would appreciate further detail and consultation on how the detection systems will inform the BMS as soon as possible.

Site access and water supplies

- DSFRS recommends that as a minimum, fire service vehicle access should align with the guidance under B5 of Approved Document B (ADB) of the Building Regulations.
- The site masterplan confirms that this could be met with the addition of turning facilities at the end of the grass crete track on the north end of the site. The access gates are wide enough to accommodate the minimum gateway (and similar pinch points) width of 3.1m from ADB. The widths of the tracks themselves should be no less than 3.7m wide and capable of withstanding 15 tonnes weight.
- The site masterplan does not show any detail regarding water provision. However, our records indicate that a fire hydrant is located on Styles Close within 90m of the site.

	<p>Emergency plans and information</p> <ul style="list-style-type: none"> • The application includes an On-site Incident Response Plan. The procedures provided in this document have not been fully assessed at this stage as more detailed information, including battery chemistries, is required before DSFRS can agree to the suitability of an Emergency Response Plan. • Nevertheless, the inclusion of the On-site Incident Response Plan does demonstrate that the applicant is aware of and serious about meeting their safety obligations. • Once these details are available, DSFRS will be happy to consult further with the applicant and agree a response plan. <p>Conclusion</p> <ul style="list-style-type: none"> • The details in the application appear to indicate that the developer is aware of the applicable safety standards in relation to BESS and intends to implement them. • There are some areas where detail is limited, however, the constraint is due to uncertainty regarding the suppliers and manufacturers to be used for equipment rather than omissions by the applicant. • Therefore, should planning approval be given, it is recommended that a detailed site specific Battery Safety Management Plan (BSMP) should be prepared once the developer knows what technologies, suppliers and manufacturers are to be used. • The BSMP should be able to provide full details of the battery chemistries, technologies, risks and risk mitigation strategies to be employed. It is recommended that the local planning authority and DSFRS are consulted on and are in full agreement with the BSMP before work commences on site.
Ecology	<p>No objection subject to conditions/S106 (summary of final comments following discussions, clarifications and additional information submission)</p> <ul style="list-style-type: none"> • Proposal - The proposed development will involve the removal of 0.3ha of other neutral grassland. It is understood that a 5m buffer will be maintained along the eastern hedgerow to allow continued foraging and commuting from north to south. No habitat loss is proposed along the Rodden Lake Stream factoring in a 10m buffer along the riparian corridor. The grassland along the southern boundary of the site will also be maintained with a small area used for access. Three trees on site offer low suitability for roosting bats. It is understood that no structures or trees will be removed and therefore no loss of potential roosts is anticipated. The

	<p>structures (small sheds) on site have high suitability for night roosts for horseshoe and long-eared bat species, however are understood to not be proposed for removal. Construction operations will be separated from all other retained vegetation (trees, hedgerows, scrub) by root protection fencing, and commuting and foraging corridors will be similarly demarcated and maintained for the duration of construction. No artificial lighting that will illuminate the retained foraging/ commuting habitat will be used during the construction phase and if lighting is required during the construction period, it will be directed away from the retained boundary features (hedgerows, woodland etc) and will not be left on overnight.</p> <ul style="list-style-type: none"> • The proposed development will remove 0.33ha of other neutral grassland, resulting in a loss of 1.62 habitat units (HU). The improved management of 0.49ha to create wildflower grassland, the creation of 0.009ha swale with wetland margins, and 0.02ha of scrub will result in an overall loss of 1.62 habitat units and 16.45% net loss. The Mendip District Council policy DP5 states that developments should achieve “no net loss.” An area of proposed off site enhancement located approximately 2.6km south-east of the proposed BESS site will be used as mitigation and comprises 0.7ha of heavily grazed improved grassland adjacent to the north of a small copse of woodland. The proposed off-site enhancement area is located within Zone C of the Bat Consultation Zone. It is considered that the remaining 0.42ha of replacement habitat will be delivered through on-site and off-site delivery of: <ul style="list-style-type: none"> ○ 0.50ha of retained but improved management of grassland (and scrub); ○ Swale and wetland margins; ○ Planted trees; ○ Off-site 0.7ha of species rich grassland; and ○ 0.07ha of additional hedgerow planting. • This is considered to meet requirements with an overall gain of 0.16 as well as a 13.35% biodiversity net gain (+1.32) for habitat units and 54.92% (+1.55) hedgerow units. • Conclusions - the proposal and mitigation will result in no Likely Significant Effect on the Mells Valley Special Area of Conservation – as confirmed by shadow HRA endorsement. • Recommended obligations - Landscape and Ecological Management Plan (LEMP); and HEP/BNG off site habitat. • Recommended conditions - Construction Environmental Management Plan (CEMP: Biodiversity); CEMP Compliance; lighting for bats; no vegetation removal
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	<p>during the bird nesting season; delivery of on-site biodiversity enhancement measures</p> <ul style="list-style-type: none"> • Recommended informatives – bats; badgers
Natural England	<p>Mells Valley SAC – No objection subject to securing mitigation (summary of final comments)</p> <ul style="list-style-type: none"> • The application site is within Band C of the consultation zone for the Mells Valley Special Area of Conservation (SAC), designated in part due to its internationally important populations of greater horseshoe bats. Within the consultation zone are the key commuting and foraging/feeding habitats for the bat populations of the SAC. • Note that the applicant has submitted information regarding mitigation for the loss of foraging habitat resulting from the development, including HEP calculations. • The HEP calculations have been updated in response to Natural England’s previous comments and provide an accurate calculation of net change of horseshoe bat habitat on site. The calculations demonstrate that provided all on and offsite habitat enhancement and creation measures are secured, the proposed development will not result in a net loss of horseshoe bat habitat. • Concur with the assessment conclusions, providing all mitigation measures are appropriately secured in any planning permission given. • Recommend that the sHRA endorsement from the council is updated just to make clear that the most recent version of the assessment will be adopted by the Council as the HRA for this development [this has been completed by the Somerset Council ecology team].
South West Heritage Trust (archaeology)	<p>No objection subject to condition for a Programme of Works in Accordance with a Written Scheme of Investigation</p> <ul style="list-style-type: none"> • The site is adjacent to an area where Roman pottery was recovered during a watching brief in 1980 and close to another site recorded on the HER where Roman pottery was found during excavations of a house foundations. • Therefore there is potential for this proposal to impact on archaeology relating to Roman period activity. It would be appropriate to have any groundworks associated with the proposal to be archaeologically monitored. • Condition recommended: Programme of Works in Accordance with a Written Scheme of Investigation (POW) (Pre Commencement)
Health and Safety Executive	No comments received

Biodiversity and Landscape Officer	No comments received
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- 7.2 Cllr Dunk has also forwarded an email from Sarah Dyke MP. This was not sent directly to the council, and does not reference the application number for this case, but Cllr Dunk has forwarded it on for consideration. Comments from Sarah Dyke MP state:

‘The Liberal Democrats are supportive of Maria Miller’s Lithium-ion Battery Storage (Fire Safety and Environmental Permits) Bill 2022-23. Unfortunately, current legislation does not require fire services or the Environment Agency to be statutory consultees for planning applications involving solar farms or battery storage facilities, even though their expertise would help to ensure fire safety and prevent groundwater contamination.

I believe that local fire services should be made statutory consultees for industrial lithium-ion battery storage planning permission applications and that there should be provision for the granting of environmental permits for industrial lithium-ion battery storage.

I plan to visit the area of the proposed site. I am currently in the process of setting up my office but I’d be happy to provide further information to you once I have a confirmed date.’

- 7.3 The private members Bill is further discussed later in this report.

Local Consultation and Representation

- 7.4 In accordance with the Council’s Adopted Statement of Community Involvement, application 2023/1070/FUL was publicised by letters of notification to neighbouring properties. A site notice was displayed and a press advert placed as part of the consultation. The council has met its obligations in relation to notification and publication of the application, and a significant number of comments have been received.

- 7.5 Although public engagement is encouraged by the local planning authority and the NPPF, there is no obligation for community engagement by the applicant. The applicant has nonetheless provided details of public consultation exercises with the local community.

Objections

- 7.6 A summary of planning matters raised as part of the consultation is set out below. In total, objection comments have been received from approximately 65 people, including from some who have submitted comments on more than one occasion.

- 7.7 The following planning matters have been raised:

Table 2: Summary of Public/Neighbour Objection Comments

Topic	Summary of Comments
Health and public safety	<ul style="list-style-type: none"> • Too close to residential properties • Thermal runaway concerns • Concerns about overhead cables • Does not comply with fire chief's guidance and other relevant guidance/policy • Consideration of Energy Bill required • Risk of fires and explosions, which could release toxic gases and contaminate local water sources • Examples of fires, explosions and pollution from elsewhere across the world • Proposed safety measures are insufficient • Concerns regarding the reliability of the technology • Emergency services response capability concerns • Negative impacts on both physical and mental health • Long-term monitoring and inspection required • Could birds have safety implications? • Should water tanks be installed on the site? • Appeal decision supports strict consideration of safety matters • Safety matters cannot be adequately addressed by condition • Local elderly population would not be able to evacuate quickly in an emergency • Health risks to different groups, including children
Amenity	<ul style="list-style-type: none"> • Disrupt the peace and tranquillity of the neighbourhood.
Noise pollution	<ul style="list-style-type: none"> • Disagree with the conclusions of the submitted noise information, and the comments of the environmental protection team • Associated impacts on health and well-being • Flawed and inaccurate noise assessments provided by the applicant
Light pollution	<ul style="list-style-type: none"> • Harms to health and well-being of light pollution.
Ecology, biodiversity and habitats	<ul style="list-style-type: none"> • Site accommodates wildlife including protected species • Potential contamination of the river and watercourse and river tributaries, which could harm aquatic life • Inappropriate survey time.
Visual impact	<ul style="list-style-type: none"> • Acoustic fence • Presence of industrial structures adjacent to a residential area • Would result in overdevelopment of the area

	<ul style="list-style-type: none"> • Development would be seen from upstairs rear windows on Styles Close • Proposed planting should be managed to maturity
Highway safety	<ul style="list-style-type: none"> • Heavy construction vehicles using unsuitable residential roads • Increased traffic, noise, and pollution • Implications of snow and ice should be considered
Drainage and flooding	<ul style="list-style-type: none"> • Particularly the nearby Rodden Lake Stream and River Frome.
Impacts on local services	<ul style="list-style-type: none"> • Including healthcare and emergency services • Additional strain on local infrastructure, including roads, schools, and healthcare facilities
Community cohesion	<ul style="list-style-type: none"> • Presence of an industrial facility in a residential area would create divisions and reduce the overall quality of life for those living nearby.
Loss of green space	<ul style="list-style-type: none"> • Site currently used by the community for recreation and leisure • Harm to quality of life and reduce opportunities for outdoor activities.
Economic impacts	<ul style="list-style-type: none"> • Job creation - concerns that the number of jobs created will be limited and that the benefits will not outweigh the negative impacts on the community. • Local economy – although could attract investment and boost the local economy negative impacts would outweigh any potential economic benefits • Economic displacement due to some residents moving away as a result of the development
Neighbour benefits	<ul style="list-style-type: none"> • No significant benefits for neighbours.
Technology uncertainty	<ul style="list-style-type: none"> • Mistrust of new and evolving technology • Long-term viability uncertainty - particularly given the rapidly changing technology landscape.
Planning process	<ul style="list-style-type: none"> • Concerns have not been properly addressed • Insufficient consultation with the local community • More occupants should have been notified • Current planning policies do not adequately protect residential areas from inappropriate developments • Permission for change of use of the land is required • Application inaccuracies - the site is not vacant as stated in the application
Precedent	<ul style="list-style-type: none"> • Could set a precedent for future projects, leading to further industrialisation of residential areas. This could result in a gradual erosion of character

	<ul style="list-style-type: none"> • A solar farm proposal could be submitted if this is approved
Alternative sites	<ul style="list-style-type: none"> • Alternative sites should be considered – including those located further away from residential areas • The current site is inappropriate and more suitable alternative locations are available.
Boundaries	<ul style="list-style-type: none"> • Boundary fencing legal status question
Tenants	<ul style="list-style-type: none"> • Impacts on existing tenants (who keep horses on the site)
Government support	<ul style="list-style-type: none"> • Lack of government support for renewable energy projects that are more appropriately sited.

7.8 A petition with 542 names on it has also been received. This is headed as follows:

‘Planning permission should be denied by Somerset Council on the grounds of potential impact on Health and Public Safety, together with unacceptable noise levels and loss of amenity.’

Support

7.9 One letter of support has been received. Relevant planning matters are summarised in the table below:

Table 3: Summary of Public/Neighbour Support Comments

Helps increase energy resilience in the local area
Contributes towards Somerset's Climate and ecological emergency objectives
Support concerns regarding environmental impacts such as noise, fire risk and lithium-ion leachate into watercourses and ask that the applicant seeks to address these issues
Has the applicant stress-tested the battery design against the proposed UKCP18 projections for the Frome region to ensure thermal thresholds aren't exceeded?

Non-Planning Matters

7.10 The following matters have been raised through consultation are not material planning considerations to be weighed in the planning balance. They are nonetheless addressed in the report below.

Table 4: Non-Planning Matters Raised Through Public Consultation

Reduction in property values
Local residents should be compensated
The application should not be considered
Increased insurance premiums for neighbours
‘How much will scc make out of it?’

8. Relevant Planning Policies and Guidance

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the development plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 The development plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) (LP1)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

8.3 Relevant policies of the development plan in the assessment of this application are listed below.

Relevant Policies of the Mendip Local Plan

8.4 The following policies of the Local Plan Part I (LP1) are relevant to the determination of this application:

- CP1 - Mendip Spatial Strategy
- CP3 - Supporting Business Development and Growth
- CP4 - Sustaining Rural Communities
- CP6 - Frome Town Strategy
- DP1 - Local Identity and Distinctiveness
- DP4 - Mendip's Landscapes
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP16 - Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP23 - Managing Flood Risk

Other Relevant Documents

8.5 Other possible relevant considerations (without limitation):

- National Planning Policy Framework (NPPF)

- National Planning Practice Guidance (NPPG)
- Placemaking Principles, Somerset Council (2024)
- Grid Scale Battery Energy Storage System planning – Guidance for FRS, National Fire Chiefs Council (2022)
- Somerset’s Climate Emergency Strategy (2020)
- Energy Act 2023
- Battery energy storage systems, Research Briefing, House of Commons Library (2024)
- Draft NFCC Grid Scale Energy Storage 1 System Planning – Guidance for Fire and Rescue Services (July 2024 revision)
- Somerset County Council Highways Development Control Standing Advice (2017)
- The Countywide Parking Strategy (2013)
- Somerset’s Climate Emergency Strategy, Somerset Council (2020)
- Somerset Energy Investment Plan, Somerset Council (2024)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Manual for Streets (2007)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- National Design Guide (2021)
- Environment Agency Standing Advice
- Assessment of Special Landscape Features (2012)
- Mendip Landscape Character Assessment (2020)
- Frome Town Design Statement SPD (2015)
- Somerset Habitat Evaluation Procedure Methodology (2016)
- Somerset Council’s ‘Biodiversity Net Gain Guidance Note’ (February 2024).

Private Members Bills

- 8.6 In September 2022, Dame Maria Miller proposed a private members bill on Lithium-Ion Battery Storage (Fire Safety and Environmental Permits). This proposed to make the Environment Agency, the Health and Safety Executive (HSE) and local fire and rescue services statutory consultees on planning applications for industrial lithium-ion BESSs. It also sought to require environmental permits for lithium-ion BESSs. This bill did not have a second reading, so it is understood it is unlikely to progress further.
- 8.7 Anna Sabine MP later introduced the Battery Energy Storage Systems (Fire Safety) Bill. Private Members' Bill and was presented to Parliament on Monday 21 October 2024. The UK Parliament website confirms ‘This Bill is to make fire and rescue authorities statutory consultees for planning applications relating to Battery Energy Storage Systems; and for connected purposes’ ([Battery Energy Storage Systems \(Fire Safety\) Bill - Parliamentary Bills - UK Parliament](#)). The second reading of this Bill is scheduled for 25.04.25.

- 8.8 This reflects the comments from Sarah Dyke MP (as forwarded by Cllr Dunk). Some consultation comments have also stated this application should not be determined until the Bill is made into law. It is not possible for the local planning authority (LPA) to delay determination of the application until this becomes law, as the LPA is required by the NPPF to be proactive in the assessment and determination of planning applications. However, this matter can be considered.
- 8.9 The assessment of this application has included consultation with the Devon and Somerset Fire and Rescue Service, as summarised in the 'Emergency Safety Measures' section of this report below. Comments have been fully considered and addressed.

Neighbourhood Plans

- 8.10 Frome Neighbourhood Plan (2016):
- D1 – Design in Urban Landscapes
 - Section 7.3 – Public Open Space
 - Golden Tread VCO3 – Sustainability

The National Planning Policy Framework 2024

- 8.11 The revised National Planning Policy Framework (NPPF), last updated December 2024, sets the Government's planning policies for England and how these are expected to be applied.
- 8.12 Relevant chapters of the NPPF include:
2. Achieving sustainable development
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment

9. Local Finance Considerations

- 9.1 The Community Infrastructure Levy is not in place in the East/former Mendip area of Somerset Council. There are no known financial considerations relevant to the assessment of this planning application.

10 Material Planning Considerations

- 10.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of development
- Emergency Safety Measures
- Landscape
- Design
- Access and Highway Impacts
- Sustainability
- Ecology
- Drainage and Flood Risk
- Residential Amenity
- Archaeology
- Health and Well Being
- Environmental Impact Assessment
- Equalities Act
- Non-Planning Matters
- Other Considerations

11. Principle of Development

- 11.1 Part 3.0 of the Frome Neighbourhood Plan (FNP) includes the Vision and Core Objectives. Section 3.2 sets out the overriding themes of the FNP and Three Golden Threads, which include VCO3 – Sustainability. This sets out ten principles to promote happy, healthy and sustainable communities.
- 11.2 Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” (LP1) says that to enable the most sustainable pattern of growth for Mendip District, the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the development limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 11.3 Whilst the Local Plan does not specifically refer to development for battery storage facilities, it is considered to accord with policy CP1 in broad terms due to the economic benefits. It is acknowledged that CP1 and CP4 (which hangs off CP1) together with their supporting text, allow for some development in the countryside. Policy CP3 also hangs off CP1. Policy CP3 relates to business development and growth. The location of such development is linked to the spatial strategy set out in CP1.
- 11.4 However, as the application site is outside the development limits of Frome, and does not fall neatly within the confines of CP1 or CP3, it is recommended to be advertised as a departure from the development plan.
- 11.5 Regardless, national policy sets a clearer and broadly positive policy position on the principle of renewable energy development and storage and acknowledges the need for countryside locations. Additionally since the adoption of the LP1, documents that show local support for the principle of

renewable energy development as part of measures to deal with the climate emergency have been produced, as set out below.

11.6 Chapter 2 of the National Planning Policy Framework (NPPF) sets out the need to deliver sustainable development. Paragraph 161 of the NPPF encourages renewable energy development that contributes to “*reductions in greenhouse gas emissions*” and “*support renewable and low carbon energy and associated infrastructure*”.

11.7 The Government’s NPPG on Renewable and Low Carbon Energy (last updated 14.08.23) confirms that:

‘Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity.’

11.8 The ‘Somerset Energy Investment Plan’ makes it clear that this form of development is a required part way forward with recommendations including:

‘The Council should develop policies that support the development of storage in appropriate locations. Recent storage planning applications have been turned down in other areas of the UK as storage has not been viewed by planning committees as having a clear role in the energy transition and has been seen to represent industrialisation of the countryside. Guidance for planners and councillors should be developed that identifies the clear role of storage in the Net Zero Pathway and sets clear criteria for how to accommodate storage in Somerset’s rural areas.’

11.9 The Local Plan does not allocate sites for energy storage development. Whilst brownfield sites are preferred for such development, the NPPF does not preclude greenfield sites in principle.

12 *Appeal Decisions*

12.1 Whilst each application is considered on its merits, consideration of recent appeal decisions has informed assessment of this application.

Appeal at Chapel Lane, Great Barr, Walsall

12.2 At an appeal decision at Chapel Lane, Great Barr, Walsall (decision date 13.01.2025, appeal reference APP/V4630/W/24/3347424), it was confirmed that great weight should be attached to tackling climate change and to energy security, even in the green belt:

‘116. The great weight attached to the contribution to mitigating climate change and to energy security, albeit temporary, the significant weight attached to the absence of alternative sites and to the potential for permanent

BNG and the limited weight the temporary economic benefits generated by the proposal clearly outweighs the temporary Moderate/Minor adverse landscape and visual effects, the less than substantial harm to HAs and the limited harm to residential amenity through noise. Accordingly, taking the case as a whole, very special circumstances exist which justify the development.'

Appeal at Levedale Road, Penkridge, Staffordshire

- 12.3 As recently as 06 December 2024, an appeal for a battery storage facility was allowed at 'Land on the southwest side of Levedale Road, Penkridge, Staffordshire ST18 9AH' (appeal ref: APP/C3430/W/24/3344658). With regards to the principle of development, the inspector here concluded:

'34. BESS do not produce renewable energy and can store electricity generated from non-renewable sources. However, BESS are essential for a net zero energy system³. They allow the local grid network to operate more efficiently by storing electricity when it is abundant and releasing it into the network when it is scarce. With an increasing volume of renewable energy, BESS have a role to play in making full and effective use of the energy produced, balancing supply and demand, and modulating the frequency of the system. BESS also allow for the increased efficiency of intermittent renewable energy technologies such as solar and wind and can help to offset the country's reliance on fossil fuel energy.

35. The need for electricity storage is rising as the country increases the volume of variable renewables and peak demand intensifies through the electrification of heat and transport. BESS will be critical to maintaining the country's energy security as we shift away from gas over the 2020s-30s⁴. The main parties agree within the SoCG that a strong presumption should be afforded to the benefits of BESS as part of the wider national strategy for decarbonising the country's energy system.'

- 12.4 The inspector also gave weight to the temporary nature of the development, noting the land would be returned to its former state following the expiring of the planning permission:

'28. The proposal would be in place for 35 years and 6 months before being removed and the land returned to its current condition. While this is a considerable period of time, the proposal would not be permanent. Consequently, the proposal's effect on the landscape would be reversible and there is nothing before me to suggest that the landscape could not be capable of returning to its current agricultural use, albeit with additional landscaping.'

- 12.5 Finally, the inspector here concluded that although visual harm was identified, and the proposal was contrary to the spatial strategy in terms of its location, significant weight should be afforded to the benefits of the scheme in relation to working towards net zero targets.

'Planning Balance and Conclusion

'63. I have found that the proposal would harm the landscape character of the surrounding area. However, I have found that significant weight should be afforded to the benefits of the proposal in respect of climate change and achieving net zero. I have also found that moderate weight should be afforded to the WMS, Biodiversity Net Gain, and the associated economic benefits of the proposal.

64. Accordingly, in reference to the second main issue, the conflict with the development plan is outweighed by material considerations.

65. Concern has been raised regarding whether CS Policy OC1 is consistent with the Framework and whether paragraph 11(d) of the Framework is engaged. However, as I have found that the material considerations indicate that a decision should be made other than in accordance with the development plan, it is not necessary for me to form a view on this matter.'

13 Assessment of Alternative Sites

- 13.1 The submitted 'Brownfield Sites Assessment Report' considers sites within 2km of the application site, with a minimum site area of 0.61ha – criteria explained in the report necessary for operational, commercial and environmental reasons. Sites are sourced from the Mendip District Council Brownfield Land Register.
- 13.2 The 'Brownfield Sites Assessment Report' considers each brownfield site in turn and explains the rationale for discounting it. The report goes on to explain the benefits of the application, which include being very close to a suitable and viable grid connection, suitable road connections, lack of formal designation/constraints (landscape, green belt, conservation, drainage) and being considered suitable in visual impact terms.
- 13.3 It is concluded that appropriate consideration of alternative brownfield sites has been included. Although brownfield sites are preferable, as well as sites within the development limits, these matters do not prohibit development in principle and these matters can be considered within the planning balance.

Agricultural Land:

- 13.4 Agricultural land is classified as follows:
- Grade 1 - excellent quality agricultural land with very minor or no limitations to agricultural use.
 - Grade 2 - very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting.

- Grade 3 - moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Subdivided into:
 - Subgrade 3a (good quality land); and
 - Subgrade 3b (moderate quality land).
- Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields.
- Grade 5 - very poor quality land, with severe limitations which restrict use to permanent pasture or rough grazing.

13.5 Annex 2 of the NPPF defines ‘best and most versatile agricultural land’ (BMVAL) as follows:

“Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.”

13.6 Natural England’s ‘Guide to assessing development proposals on agricultural land’ (Feb 2021) confirms that classifications can be assessed as follows:

“A combination of climate, topography and soil characteristics and their unique interaction determines the limitation and grade of the land. These affect the:

- *range of crops that can be grown*
- *yield of crop*
- *consistency of yield*
- *cost of producing the crop”*

13.7 Indicative mapping from Natural England suggests the site includes grade 5 (urban) land. This information is intended for high level review and not detailed planning application consideration. The Natural England website confirms:

“These maps are not at a scale suitable or accurate for assessment of individual fields or sites.”

13.8 The site is undeveloped and is currently used as a paddock, suggesting it has some agricultural value. Nearby undeveloped land outside of Frome is shown on the NE indicative mapping as grade 3 (good to moderate). This does not distinguish between grade 3a (within the definition of BMVAL) and 3b (outside the definition of BMVAL).

13.9 The application has not been supported by an agricultural land quality assessment, and this is not part of the council’s validation requirements. As such, any loss of this land (be it immediately adjacent to residential areas) should be weighed in the overall planning balance.

Conclusion on Principle of Development

13.10 Although the proposal is outside the development limits, it represents benefits via energy management and tackling climate change.

13.11 The principle of development is considered acceptable. Key issues are dealt with below. The assessment of this application and overall planning balance is summarised at the end of this report.

14 Emergency Safety Measures

14.1 The 'Renewable and Low Carbon Energy' NPPG confirms the requirements for applications for battery facilities thus:

'Where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, applicants are encouraged to engage with the relevant local fire and rescue service before submitting an application to the local planning authority. This is so matters relating to the siting and location of battery energy storage systems, in particular in the event of an incident, prevention of the impact of thermal runaway, and emergency services access can be considered before an application is made.'

Applicants are also encouraged to consider [guidance produced by the National Fire Chiefs Council](#) (PDF, 488 KB) when preparing the application.

The location of such sites are of particular interest to fire and rescue services; who will seek to obtain details of the design, and firefighting access and facilities at these sites in their register of site specific risks that they maintain for the purposes of Section 7 of the Fire and Rescue Services Act 2004.'

14.2 When assessing applications for battery storage facilities, the NPPF encourages LPAs to consider guidance produced by the National Fire Chiefs Council (NFCC) and to consult with their local fire and rescue service (FRS):

'...This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application.'

14.3 The 'Grid Scale Battery Energy Storage System planning – Guidance for FRS' was prepared by the National Fire Chiefs Council (NFCC) and encourages consultation with fire and rescue services (FRSs) and requires a comprehensive risk management process to inform a robust 'Emergency Response Plan'. The guidance does not comment on BESS system design but is in place to inform, *'...safe and effective response, by the fire and rescue service, to a fire or vapour cloud release involving a BESS installation. This includes factors such as facilities for the fire and rescue service, and design factors that contribute to reducing the escalation in the severity of an incident.'*

14.4 This guidance requires information to be submitted by the applicant to the FRS for consideration – including the details of the proposal, risk management and monitoring measures and emergency protocols.

- 14.4 In relation to the design of such facilities, the NFCC guidance confirms that suitable access for emergency vehicles is also assessed against specified criteria. Design should also ensure a suitable distance between units, to avoid the risk of fire to fire spread, and allow for emergency access. Units are not recommended to be stacked. A separation distance between facilities occupied buildings/site boundaries is usually 25m, taking into account surroundings, risks and mitigation.
- 14.5 The guidance also notes that sites should be operated so as to reduce risks - e.g. combustibles not located nearby. Water supplies should be sufficient. Appropriate signage is also required.
- 14.6 The guidance includes the required details for emergency plans – including a risk management plan, an emergency response plan, consideration of environmental impacts (such as water runoff) and a post-incident recovery plan.
- 14.7 The application has been supported by a ‘Fire Safety Approach’ statement, a ‘Fire Suppression System Design’ report and a draft ‘On-Site Incident Response Plan’.
- 14.8 Firstly, the ‘Fire Safety Approach’ statement is a high level document summarising the applicant’s commitment to safety monitoring measures, ventilation and fire suppression technologies.
- 14.9 Secondly, the ‘Fire Suppression System Design’ report is a more detailed document, outlining the systems proposed for monitoring, notifying (alarms) and controlling fires.
- 14.10 Finally, the ‘On-Site Incident Response Plan’ is submitted in draft at this planning application stage, in line with standard practice. The application is recommended for approval subject to a condition requiring a final version of the plan, to be submitted and approved by the local planning authority. This would be subject to consultation with the FRS to confirm its acceptability. This is a detailed document which sets out the risks and management plan – informed by the NFCC guidance.
- 14.11 Following a formal consultation request, as well as direct discussions, the application and its supporting documents have been considered by the Devon and Somerset Fire and Rescue Service (DSFRS). DSFRS has confirmed the siting of the proposed development sufficiently meets the requirements set out in the NFCC guidance.
- 14.12 It is noted that not all of the specific site layout criteria have been met. This includes 6m gaps between batteries. The NFCC guidance states that 6m gaps should be in place unless reduced distances can be justified:

'A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown.'

- 14.13 This spacing has not been observed. The DSFRS has reviewed the submission, including plans and the 63-page draft 'On-Site Incident Response Plan' and comments do not raise objections on this matter.
- 14.14 Distances from residential properties has also not been raised as an objection by the DSFRS. Comments from the DSFRS confirm:
- The documentation confirms that the applicant will adopt the recommendations of NFPA 855 in the design, spacing and layout of the site and with the employment of mitigation strategies to reduce fire risk. It also confirms that the battery cells the applicant will use in the development will be certified to UL1973 and UL9540 standards.
 - Furthermore, the On-site Incident Response Plan confirms that the battery cells will be tested to UL9540A but does not confirm the level of testing. Since UL9540A is a testing method for evaluating fire propagation during thermal runaway, the applicant should ensure the battery technology to be used in the proposed development is tested at installation level or provide robust evidence to support why testing to a lower level is appropriate.
- 14.15 The DSFRS has confirmed the draft 'On-Site Incident Response Plan' is acceptable and it is confirmed that a suitable final version can be secured at detailed design stage via planning condition. Although some neighbours are clearly dissatisfied with this, the DSFRS is the expert body, and the NPPF encourages consultation to ensure the relevant expert body has considered and commented on such planning applications.
- 14.16 The DSFRS has also confirmed that the applicant has committed to meeting the appropriate standards for the battery cells. Details of the supplier have not been confirmed at this stage, which is not unusual, therefore some of the fine details of can be confirmed at condition stage in relation to 'system design, construction, testing', 'decommissioning and detection, monitoring and suppression systems' and 'emergency plans and information' (all headings within the DSFRS comments).
- 14.17 In relation to site access and water supplies, the DSFRS has confirmed that the site is capable of meeting building regulations requirements for access and turning. These elements would need to be in place via building regulations before the development could become operational. The DSFRS has also confirmed there is a fire hydrant in suitable proximity to the application site.
- 14.18 Although pre-application discussions are encouraged between applicants and the RFS, the consultation comments received as part of this application are

sufficient to confirm a technical solution to fire, safety and emergency matters can be achieved at conditions stage.

14.19 The National Fire Chiefs Council (NFCC) published a 'Draft NFCC Grid Scale Energy Storage 1 System Planning – Guidance for Fire and Rescue Services' in July 2024. The supporting online information indicates the NFCC intends to adopt a final version sometime in 2025. This consultation draft was directed at fire and rescue services, seeking professional views on updated BESS guidance. The online supporting information confirms that the published 2023 guidance (as outlined above) is the current adopted guidance. As such, it is correct to assess the application against this. Whilst the draft consultation can be considered, it should be awarded very limited weight. This draft consultation document sets out suggested topics and questions for discussion between the applicant and the FRS. It reiterates that FRS's are not statutory consultees. Guidance is set out by the following topic areas:

- Communication
- Detection and monitoring
- Suppression
- Suppression systems
- Inert gaseous suppression systems
- Water based suppression systems
- Explosion control (deflagration protection)
- Site location - including the recommendation that developers prepare a plan showing all sensitive receptors in a 1km radius of the site
- Access - including a preference for two accesses – this confirms that batteries could be sited closer than 6m, if fire resistant materials are proposed or 'if tests such as UL 9540A shows propagation does not occur.'
- Spacing to other buildings beyond perimeter of site:
 - 'Individual site designs will mean that distances between BESS units and occupied buildings / site boundaries will vary. Proposed distances should take into account risks including the impact of any vapour cloud and also any mitigation factors that have been incorporated into the site design.*
 - However, an initial minimum distance of 30m is proposed prior to any mitigation such as blast walls. This distance is based upon the 100ft distance cited in NFPA 855 for remote installations¹³.'*
- Site conditions – e.g. maintenance to avoid combustible material being placed adjacent to the BESS
- Water supplies – e.g. fire hydrants
- Signage
- Emergency response plan
- Site plans and maps
- Environmental impacts – water runoff
- Recovery – post-incident recovery plan

14.20 Again, based on the comments from DSFRS, the proposal is concluded to be acceptable in this regard.

14.21 Many public consultation comments have been received referring to the safety implications of overhead cabling. The agent has responded to these comments as below:

Concern is also raised by local residents with regard to the location of the proposed development under overhead electrical lines which cross the site and in proximity to pylons and potential safety concerns. As stated above, the safety of the proposed development and of surrounding residents is a priority for the applicant. The proposed development has been designed to maintain the required safety clearance distances from overhead lines that cross the site according to the Distribution Network Operator SSE's Health & Safety requirements, and early dialogue has already been sought with SSE in this regard. Battery cabinets and associated infrastructure will be suitably earthed to minimise the temporary rise in earth potential that can occur during a lightning event around the base of a pylon. In addition, the battery storage facility does not directly adjoin the base of the pylon which allows for a significant earthing distance between the proposed development and the electrical pylon and substation.

14.22 Consultation comments are noted regarding the mistrust of the safety of this technology, as well as uncertainty that the technology may be superseded in future leading the development becoming redundant. Articles and research papers have been submitted, including on thermal runaway, which have been considered.

14.23 A briefing paper prepared by the House of Commons Library in April 2024 entitled 'Battery energy storage systems' discusses the topic of BESS safety and policy and legislative controls. Part 3.1 considers public safety concerns of battery storage facilities thus:

'3.1 Concerns about fire risks

The research organisation, The Faraday Institution, explains that lithium-ion battery fires are very rare. It notes that "even with billions of lithium-ion cells in circulation, there are very few safety incidents involving them". It estimates that only one in 40 million battery cells experience failure that results in fire.
60

*A scientific paper on the challenges for grid-scale battery energy storage explains that fires can occur at BESS facilities because they contain millions of battery cells. If one cell catches fire and is not shielded or insulated from the rest of the battery, it can cause adjacent cells to catch fire (sometimes called "thermal propagation").*⁶¹

[60 The Faraday Institution, Improving the Safety of Lithium-ion Battery Cells (PDF), July 2023

61 Huang Y and Li J, Key Challenges for Grid-Scale Lithium-Ion Battery Energy Storage [online via Wiley Online Library], Advanced Energy Materials, Vol 12, Issue 48, 2020]

- 14.24 The 'Battery energy storage systems' briefing paper discusses fire incidents in the UK and the rest of the world. It is concluded that incidents are rare and the with improved technology risks are decreasing:

'Incidents in the UK

There has only been one documented incident of a BESS fire in the UK. In September 2020, one of the three battery system containers at a BESS site in Liverpool caught fire. 67 An investigation by the Merseyside Fire and Rescue Service found the fire was the result of a failure of one of the batteries within the container which led to thermal runaway and a build-up of gas. This resulted in a fire and explosion that cause the container to warp and doors to blow off.68

A research paper on the incident by the Electric Power Research Institute (EPRI), an organisation based in the United States which conducts research on the generation, delivery, and use of electricity, notes that BESS design has improved since the Liverpool BESS was installed in 2018:

Some newer system designs use smaller, modularized cabinets with a few racks of batteries. The system layout limits damage because of thermal runaway and allows a more targeted first responder approach in the event of a fire.69'

[69 Electric Power Research Institute (EPRI), Carnegie Road Energy Storage System Failure Response, Recovery, and Rebuild Lessons Learned, April 2023, p10]

- 14.25 With regards to safety measures for BESS development, part 3.3 of the briefing paper states:

'In addition, BESSs have a battery management system to ensure they operate safely and efficiently. A battery management system will usually ensure that batteries are kept within their safe ranges of voltage, current and temperature.77

A scientific paper on the best practices for BESSs also notes that the design of the BESS facilities can also help ensure their safety. In BESS facilities, battery packs can be spaced out and have insulation between the cells to prevent the spread of fire.78 BESSs can be also designed with safety features, for example, cooling systems, gas and fire detectors, fire control and suppression systems, explosion control and water supply for emergency services in case a fire does occur.79'

[77 Volts Energies, BMS in Focus, March 2023; BEIS, Domestic battery energy storage systems, October 2020, p6

78 Ian S. Mylenbusch and others, Hazards of lithium-ion BESS, mitigation strategies, minimum requirements, and best practices, American Institute of Chemical Engineers, June 2023]

14.26 The briefing note also confirms the government is undertaking a review of batteries regulations. The current government position is that there is ‘a robust regulatory framework’ to control BESS development and operation:

Grid-scale lithium-ion battery energy storage systems are covered by a robust regulatory framework, which requires manufacturers to ensure that products are safe before they are placed on the market and installed correctly, and that any safety issues found after products are on the market or after installations are dealt with.⁸⁶

[86 HL Deb [Energy Bill [HL]] 28 March 2023, c240-241]

14.27 Finally, in relation to safety regulations and guidance, the briefing note confirms the following is in place:

- The Batteries and Accumulators (Placing on the Market) Regulations 2008 - restricts the use of certain hazardous substances (namely mercury, cadmium, and lead) in batteries and requires batteries to be labelled with a ‘crossed out wheeled bin’ symbol.
- The Waste Batteries and Accumulators Regulations 2009 - requires battery producers to take back, collect, and recycle automotive, waste industrial, and portable batteries. Retailers and distributors that sell at least 32 kg of portable batteries per year must also provide a take-back service.
- Government guidance for manufacturers on placing batteries on the market.
- Guidance on the collection, treatment and recycling of waste batteries.
- Updated Batteries Regulations – requiring stationary BESSs with a capacity greater than 2 kilowatts per hour to provide evidence that they have undergone certain safety tests, including for thermal runaway.
- European Commission on the Batteries Directive.

14.28 In relation to wind directions, the agent has commented thus:

Whilst account has been taken of the prevailing wind direction when analysing the airborne effect of toxic gases, the same also remains true for all possible wind directions as per the evidenced Frome HF Dispersion Map of Annex E4 within the Incident Response Plan. The Dispersion Map concludes that, with due consideration to omnidirectional wind conditions, the potential harm to offsite personnel is predicted to be low. Moreover, the analyses performed assumed stable conditions (e.g. night with moderate clouds and light/moderate winds) which is the most conservative (pessimistic or worst-case) environment as reduced wind speed/turbulence has less dilution/cooling effect.

14.29 Wind direction has been included in the draft ‘On-Site Incident Response Plan’ which has been considered by the DSFRS.

14.30 In response to neighbour comments, the applicant has also confirmed the proposed acoustic fence would be 'dressed in anti-flammable material to prevent ignition.' This is recommended to be included as part of the condition controlling boundary treatments.

Incident at the Site

14.31 The local planning authority was notified of an incident at the site in October 2024. A significant number of neighbouring comments have referred to this incident, which has clearly caused high levels of local concern.

14.32 This incident is summarised by the agent thus:

'We have been alerted to a fire hazard that took place last Wednesday 18th October on an overhead line within the planning application area of Frome BESS.

SSEN have informed us that this was due to the failure of insulators on the 33kV overhead line on the southern side of the property. The main cause of failure of the overhead line insulators was the occurrence of an electrical arc which is when electricity flows between two points, or electrodes. The electricity travels through the air, creating a bright light and high levels of heat. This led to overheating of the components and a subsequent arc blast (pressure wave created after an arc fault). The cause of these events was the result of a voltage spike which is what our battery storage is designed to prevent. Battery storage systems can measure voltage at their point of connection on the network and can rapidly absorb and inject into the grid which helps to prevent incidents such as these. This event goes to show that significant balancing of the network is required in this area to match supply with demand, with the former affecting voltage levels dramatically.

Trina Solar are committed to the Health and Safety of the site, the surrounding residents and first responders and has started developing emergency response procedures as set out in the draft Incident Response Plan (IRP) as submitted to Somerset Council on the 29th of September. The IRP is provided to assure all relevant parties and stakeholders of the emergency response procedures in place in the event of an incident occurring such as a fire, and steps are broken down in a logical manner dependent on the type of emergency raised. The draft IRP also sets out amongst other elements key site details and emergency locations, potential hazards within the site, emergency equipment and its location.'

14.33 This incident relates to the current operations at the site. The safety matters associated with the proposal have been considered by the DSFRS.

Appeal Decisions on BESS Safety

14.34 Comments from CPRE have referenced appeal decision ref APP/U1105/W/23/3319803 at Land NE of Axminster National Grid sub-station, Pound Road, Hawkchurch, which was dismissed on 16.02.2024.

14.35 Here the inspector dismissed the appeal on the basis that fire and emergency safety matters had not been adequately addressed. The inspector also found no justification for a single access point, and insufficient access to water:

'56. Whilst there are nationally a good number of battery storage facilities, they are not so long established to prove that the safety risk is not significant; indeed in 2020 a fire occurred at a battery storage facility in Liverpool. There was conflicting evidence before the Inquiry on the probability of the risk, nonetheless Mr Tough on behalf of the Appellant accepted¹⁵ that there is a risk, and the point is to reduce the risk to as low as possible.'

'62. The NFCC guidance has a footnote referring to FM Global advice²¹, where it was advocated at the Inquiry that its interim revision has allowance for foreshortening the 6m separation. However, no evidence was shown how this proposal departing away from the minimum NFCC guideline would be safe. Indeed, the NFCC guidance has not been changed and is promoted by the very recent PPG.'

14.36 It is noted that the planning application for this case (ref 22/2216/MFUL) included the following comments from Devon and Somerset Fire and Rescue (08.03.2023):

'Having reviewed the documentation issued in support of this application, the Service notes that there is limited detail regarding the risk reduction and mitigation strategies to be employed for this development. Therefore, based on the information currently available, the Service is unable to make any further comment.'

It is the expectation of the Service that information detailing the risk reduction strategies and the protective measures to be employed on the site should be submitted in a Fire Safety Management Plan (FSMP) covering the construction, operation and decommissioning phases of the development.

Once a FSMP has been prepared, the Service would be more than happy to comment on the details submitted.'

14.37 Paragraphs 80-83 of the appeal decision refer to comments from the FRS received as part of the planning application and the appeal, and conclude insufficient information was submitted in that case to determine the application positively:

'80. Nonetheless the Fire Service responded on 25 July 2023 to the more recent application on this site. Its response raises some concern: limited or no commentary on deflagration prevention and venting, space separation between units, emergency access and firefighting water supplies. The Appellant provided further information pursuant to these comments, including a draft BSMP, the NFCC guidance, a wind direction diagram, water supplies and a layout showing a maintenance route. The response from the Fire Service did not object to the proposal, but nor did it comment on the adequacy or the separation distance between batteries, the access arrangement or the water supply/storage. Consequently, I find that their response does not direct me to a conclusion that the above aspects have been sufficiently addressed for this detailed proposal at this stage.

81. The Fire Service do not comment on the containment of firewater but refer to the Environment Agency. They were not party to details submitted to this Inquiry and their response pre-dates the firewater containment strategy.

82. Various allowed appeal decisions and Development Consent Order decisions were submitted to the Inquiry. In these cases, BSMPs were conditioned. However, this particular proposal is for 48 containers shown in a detailed layout for consideration where separation distances consistently and substantially fall short of the national recommended standard without safety being demonstrated, with the risk compounded by only one access and unclear measures on containment of firewater and the potential to contaminate the aquifer, as well as the likely need for widespread importation of firewater.

83. Therefore, based upon the evidence before the Inquiry I find that it has not been demonstrated that the proposal would not be a significant risk to local residents and the environment.'

14.38 The agent has referred to appeal decisions thus:

Notwithstanding the above, the applicant would like to draw attention to the Inspector's conclusion in appeal decision APP/Y1138/W/22/3293104⁵ related to the safety of a proposed BESS:

"Underlying all these matters is the fact that other regimes operate in this field to regulate the safe operation of such installations. National policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively."

The Inspector of appeal decision APP/C1570/W/23/3319421⁶ concurred with the above stance on fire safety related concerns in concluding that fire safety *"does not weigh against the granting of planning permission in this case."*

⁵ The Planning Inspectorate (2022) Appeal Decision APP/Y1138/W/22/3293104 - Land near to Langford Langford Cullompton EX15 1SG. Decision date 5th December 2022.

⁶ The Planning Inspectorate (2023) Appeal Decision APP/C1570/W/23/3319421 - Land west of Thaxted, Cutlers Green Lane, Thaxted. Decision date 18th December 2023.

14.39 One further relevant appeal relates to a proposal which was allowed at Staythorpe, Newark (APP/B3030/W/23/3334043, decision issued on 03.05.2024). In relation to fire safety, the inspector here concludes:

'46.... There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK was at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases.'

47. From the number of worldwide BESS sites and the number of fires that have occurred, the Fire Safety Note comes to an estimate of 2.1% of BESS being potentially susceptible to incident during its lifetime, but such incidents are becoming statistically less likely due to improvements in fire safety management plans, technological improvements and lessons learned from other events such as the McMicken incident.'

14.40 All appeal decisions are subject to their own site context and unique considerations. Each case is considered on its own merits. In this case, detailed comments have been received from the DSFRS which is concluded to be the appropriate technical consultee – and no objections have been identified.

Proximity to Residential Properties

14.41 The southern boundary fencing of the battery is c.41m from the closest rear gardens of properties along Styles Close. Rear gardens are c13m deep. The area of the site proposed for parking, turning, the substation building and the client control building is c28m deep (between fencing). The total distance between the southern acoustic fence and the nearest residential property on Styles Close is c.133m.

14.42 Many objections from neighbours state different measurements, and conclude the proposal would be too close to residential properties. Many neighbours have referred to 100m separation recommended by the Strategic Land Group. There is no policy basis for this distance, and it remains a recommendation by an independent land agent.

14.43 Distances have been considered as part of the assessment by the FRS, and there is no objection on this basis.

Safety Monitoring and Regulation

- 14.44 The Construction (Design and Management) Regulations 2015 (CDM 2015) sets out safety management requirements. This confirms that the site manager, project manager and designer must have the relevant qualifications / certification in the context of the CDM Regulations to monitor safety measures.
- 14.45 The Health and Safety Executive (HSE) can make random checks, and/or can visit a site there have been notifications of valid concerns.

Conclusion on Safety Management

- 14.46 Although the DSFRS is not at this time a statutory consultee (as proposed by the Bill put forward by Anna Sabine MP), the DSFRS has been formally consulted and has provided detailed comments confirming the application is acceptable subject to the inclusion of a condition for a detailed emergency plan, which has been recommended accordingly.
- 14.47 Comments from the DSFRS has considered the site context, including the proximity to residential properties, single access proposed, operation of the nearby sub-station (including electrical pylons) and the capacity of the local fire service. Based on these comments, the proposal is concluded to be acceptable for planning purposes.
- 14.48 Although significant public concern has been identified in this regard, as the application meets the requirements set out in relevant policy, and this can be controlled by a planning condition, the proposal is concluded to be acceptable in this regard.

Landscape

- 14.49 Policy DP4 recognises the quality of Mendip's landscapes and states that development that would individually or cumulatively significantly degrade the quality of the local landscape will not be supported. It suggests that proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features. Whilst it states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported, as with DP1, it also makes it clear that any decision making will *'take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location'*.
- 14.50 Although the site is not subject to any formal landscape designations, it is pleasant and relatively unspoilt.
- 14.51 The site is identified by the Natural England National Character Area Profile (2014) as 117. Avon Vales.
- 14.52 The Mendip Landscape Character Assessment (2020) includes the site within the B2 area: 'The Frome Fringes' – this is described as *'a mix of the various*

landscapes that abut the built-up area of Frome'. The site is within sub area B2.4 'Frome Bypass and Infrastructure Corridor' which is described thus:

KEY CHARACTERISTICS OF :- LCA – B2.4 – FROME BYPASS AND INFRASTRUCTURE CORRIDOR	
PHYSICAL/NATURAL CHARACTERISTICS <ul style="list-style-type: none"> • Modern roadway set within mature landscape (40 years+) • Rock outcrops in cutting add interest 	SETTLEMENT & INFRASTRUCTURE <ul style="list-style-type: none"> • Substantial commercial development fronts on to otherwise rural section of road • Glimpsed views of residential developments
LAND USE/MANAGEMENT/HUMAN INFLUENCES <ul style="list-style-type: none"> • Power transmission lines & mainline railway also occupy corridor 	PERCEIVED CHARACTERISTICS <ul style="list-style-type: none"> • Generally reads as green corridor contained within landform & roadside plantations • Fast busy corridor • Crossing points at grade feel hostile to walking / cycling • Over bridges provide brief view down to route
SPECIAL FEATURES – NOTE NOT ALL FEATURES DESIGNATED	
<ul style="list-style-type: none"> • Route contributes to sense of rural district with limited views to commercial / urban development & strong landscape containment. 	

14.53 Frome Town Design Statement (2015) includes the site within character zone 12 'Easthill' which is described as 'an area of housing on the eastern edge of Frome, between the main and spur railway lines, north of the A362 Warminster Road'.

14.54 The application has been supported by a Landscape and Visual Assessment (LVA), which has been updated to reflect the additional planting proposed. This assesses the sensitivity of the site from different positions, and for different users. It goes on to assess the impact of the proposed mitigation measures by way of planting. The 40 year timescale of the development is also considered.

14.55 The overall impacts of the development are summarised in the LVA in paragraph 8.2 as follows:

'The site lies within the gentle valley associated with the Rodden Lake Stream. It occupies a small footprint and the proposed infrastructure has been positioned away from the more visually sensitive elevated land to the south. The proposed infrastructure also has a restricted height relative to adjacent residential built form to the south and the substation to the west.'

The site has a restricted visual envelope, with potential visual effects predominantly limited to receptors within close proximity to the site. This is due to built form largely containing views to the south and west, and well-established vegetation and a change in landform to the north and east.

To mitigate the potential visual effects the landscape strategy has been carefully reviewed. Existing boundary vegetation to the north, east and west would be retained and reinforced with native trees and scrub planting where possible. To the south of the battery storage facility, native hedgerows and trees are proposed to help mitigate visual effects to the south. The 4m high

timber acoustic fence that surrounds the site would also partially screen views of the proposed infrastructure, and for residents immediately south of the site, the replacement 1.8m high timber fence along the southern boundary would further screen views of the existing and proposed infrastructure.'

- 15 Table C3 of the LVA sets out the visual impacts of the different viewpoints are assessed as between a range from negligible to moderate/minor.

Table C3: Assessment of Visual Effects and Significance

Viewpoint	Sensitivity	Magnitude (after Construction)	Magnitude (after 15 years)	Visual Effects (after Construction)	Visual Effects (after 15 years)	Nature of Effect (Negative, Positive, Neutral)
Viewpoint 1 looking north-west across the site at close range from existing field access on Styles Close.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) • Low (vehicle users) • Medium (residents) 	Medium	Medium-Slight	Moderate/ Minor Minor Moderate	Minor Minor Moderate/ Minor	Negative
Viewpoint 2 looking north-west from Styles close approximately 75m from the site.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) • Low (vehicle users) 	Medium/ Slight	Slight	Minor Minor	Minor Minor-Negligible	Negative
Viewpoint 3 looking north-east from Rodden Road adjacent to the site boundary.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) • Low (vehicle users) 	No View	No View	None	None	Neutral
Viewpoint 4 looking north-east from Rodden Road adjacent to the sub-station.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) • Low (vehicle users) 	No View	No View	None	None	Neutral
Viewpoint 5 looking south-west from PRoW FR 14/5.	<ul style="list-style-type: none"> • Medium (walkers) 	Negligible	Negligible	Negligible	Negligible	Neutral
Viewpoint 6 looking south-west from the PRoW FR 14/5 railway overbridge.	<ul style="list-style-type: none"> • Medium (walkers) 	No View	No View	None	None	Neutral
Viewpoint 7 looking south from Boundary Avenue.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) • Low (vehicle users) • Medium (residents) 	Slight	Slight/ Negligible	Minor Minor/ Negligible Minor	Minor-Negligible Negligible Minor	Negative
Viewpoint 8 looking east from Woodland Road.	<ul style="list-style-type: none"> • Medium-Low (pedestrians/cyclists) 	Negligible	Negligible	Negligible	Negligible	Neutral
	<ul style="list-style-type: none"> • Low (vehicle users) • Medium (residents) 					

14.56 Following a case officer review of the LVA, the overall conclusions of the LVA are accepted. The proposal would be a meaningful change from the current situation. However, given the character of the landscape, the impact is concluded to be acceptable. The landscape harm is acknowledged, and this weighs in the overall planning balance.

14.57 The landscape assessment has considered the cumulative impact of other development in the area, and it is concluded that a refusal on this basis would not be warranted.

14.58 In conclusion on this matter, although the proposed development would change the character of the landscape, this is considered acceptable in this location alongside the proposed mitigation. A condition is recommended to secure the planting is delivered in line with the submitted details.

Design

14.59 Policy DP1 of LP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. It also states that:

"Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance up the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it, and the wider benefits which would arise from the proposal if it were approved. Any decisions will also take into account efforts made by the applicant to viably preserve the feature, avoid, minimise and/or mitigate negative effects and the need for the proposal to take place in that location"

14.60 The site is on the edge of the built form and green and open in character. The proposal would see the loss of this greenfield site in favour of a battery storage facility and associated development for 40 years.

14.61 The application includes the following:

- 8 x battery blocks, each comprising four battery units arranged in pairs – with a length of 7.8m, a width of 1.7m and a height of 2.7m, these would appear similar to shipping containers
- 4 x medium voltage (MV) transformers – this equipment has a height of 3.6m, width of 2.4m and length of 6.4m
- 1 x auxiliary transformer – this equipment would have a maximum height of 2.019m and measure 2.241mx1.495m
- 8 x power conversion system (PCS) inverters - set on pads, these blocks would have a height of 2.3m, a width of 2m and a length of 3m
- 8 x battery interface cabinets (BIC) – also set on pads, these cabinets would have a height of 2m, a width of 0.9m and a length of 2.2m
- 1 x client control building – a simply designed single storey building comprising two units each with a floor area of c.76m²
- 1 x SSE substation – a simply designed single story building with a floor area of c.76m²
- Timber fence (2.4m)
- Acoustic fence (4m)
- Access gate
- Lighting and CCTV equipment – including two CCTV columns at a height of 4m
- Wetland and swale for drainage attenuation - located to the north of the site, this feature includes enhanced planting for ecological as well as drainage benefits
- Surfacing to include gravel/crushed stone with grasscrete for the access track

- Ecological enhancements - creation 180m of native hedgerow (high value habitat for foraging bats), 0.49ha of wildflower grassland, 0.009ha swale with wetland margins, and 0.02ha of scrub enhancement
 - 2 x parking spaces – located off the access track
- 14.62 The final proposal has been amended to address matters raised by officers, consultees and neighbours. Amendments have included:
- Reduction in the height of the acoustic fence from 5m to 4m
 - Enhanced landscaping package
- 14.63 Although the proposal would appear industrial on this greenfield site, this would be in the context of an existing sub- station next door. Whilst the existing sub- station does not justify further such development, it is within the context of the site. The landscaping package proposed as well as the separation distance from the residential properties and the sloping nature of the site result in a scheme that is considered acceptable on balance.
- 14.64 On balance, the impact of the 4m acoustic fence is concluded to be acceptable, in the context of the site characteristics and development proposed.
- 14.65 The resultant density and sense of density is concluded to be acceptable. The proposed BESS would be well screened and separated from residential properties.
- 14.66 There is no right to a private view, but development proposals should be assessed as to their impact on amenity outlook. Although the proposal would be visible from upstairs rear windows of properties along the northern side of Styles Close, these are not primary living areas and considering the distances involved as well as the sloping nature of the site, this view is not such to warrant refusal of the application.
- 14.67 It is also noted that the application relates to a temporary permission for 40 years. After which time the site would be decommissioned and the land returned to its current state. Although this is a significant time period, it is a fixed period and development is not proposed in perpetuity. This should be weighed in the planning balance.
- 14.68 Various conditions are recommended which would see details controlled, including the external materials of the buildings on the site and the boundary treatments.
- 14.69 In conclusion on this matter, harm to the character of the area has been identified by way of the significant change a battery storage facility would make in this edge of settlement location. However, this harm is for a temporary period (albeit 40years) and outweighed by the benefits of the proposal. The proposal by reason of its design, siting, scale, massing, layout and materials is

acceptable and in relation to the local context and the character and appearance of the surrounding area. The proposal accords with policies DP1, DP4 and DP7 of LP1, policy D1 of the Frome Neighbourhood Plan and part 12 of the NPPF.

Access and Highway Impacts

- 14.70 Planning applications are considered against policies DP9 and DP10 of LP1 and part 9 of the NPPF. Planning applications need to confirm there is sufficient highway capacity; safe access(es) with appropriate visibility splays; and appropriate levels of vehicle parking.
- 14.71 The application has been supported by a Transport Statement, which includes the proposed access arrangements off Styles Close; highway capacity; highway safety; and the highways implications of the construction stage.
- 14.72 The proposal would be accessed off Styles Close, with a gate and access track leading to the development. Parking is proposed for two cars.
- 14.73 The highway authority (HA) has considered the application and confirmed there are no objections, including in relation to highway safety or parking arrangements. Highway capacity is also confirmed to be acceptable, with the development resulting in very low increased vehicle movements during its operation, and acceptable vehicle movements for a temporary six month construction period.
- 14.74 Following queries raised by members, the agent has confirmed that the applicant does not have any rights to access the site through the existing sub-station and given high voltage equipment, the agent considers it highly unlikely that the operator (SSE) would allow access. The agent confirmed that access through Rodden Road had been considered but excluded to limit the amount of development. It is also noted that any construction traffic would be temporary and traffic associated with operation and maintenance would be low. The DFS has not objected on the basis of a single access point.
- 14.75 The suitability of Styles Close for construction and operational traffic is concluded to be acceptable. This has not been raised as a concern by the HA.
- 14.76 The HA has recommended a condition requiring the agreement of a construction management plan. Whilst some construction details are set out in the submission, further details are required to ensure the development would be constructed so as to maintain highway safety and acceptable levels of residential amenity. This condition is recommended accordingly. Wording is recommended to be amalgamated to the condition wording recommended by the Environmental Protection team, to ensure all matters are covered – in the interests of highway safety and residential amenity. The construction management plan would need to consider cold weather (snow and ice) and

plan accordingly. This level of detail is not included in construction management plans, and should be for the developer to manage. The developer has confirmed it will work with the DFS to agree management arrangements thus.

- 14.77 The condition recommended by the HA requiring details of the access, compound and contractor parking is recommended to be incorporated into the CMP condition rather than as a standalone condition.
- 14.78 The final condition recommended by the HA would require a survey of the adopted highway along Styles Close. This is considered necessary due to the size and scope of construction vehicles anticipated. Rather than the condition recommended by the HA, it is necessary to include three conditions for this, including submission of a Highways Method Statement, the requirement to undertake surveys, and the requirement to rectify any damage to the highway.
- 14.79 In conclusion on this matter, the means of access and parking arrangements are confirmed to be acceptable and maintain highway safety standards. The proposal accords with policies DP9 and DP10 of LP1 and part 9 of the NPPF.

Sustainability

- 14.80 There are various national and local objectives seeking to develop the use of renewable energy. The application makes a significant contribution to application of renewable energy, and this weighs in the planning balance.

Ecology

- 14.81 The site is within the SSSI Impact Risk Zone. C.3km from the site is the Mells Valley Special Area of Conservation (SAC), which is designated for its breeding population of horseshow bats. Rodden Lake Stream, outside but to the north of the site, is a Priority Habitat (Rivers) as it comes under the criteria for a headwater stream. The existing sheds on the site have a high suitability for bats, but they are proposed to be retained.
- 14.82 The application was originally supported by an Ecological Impact Assessment (EclA), which relied on surveys undertaken in January. An addendum EclA was later submitted following consultation and discussions with the ecology team. Section 3.0 of the addendum confirms no new habitats or protected species were identified as part of the updated survey work:

‘Therefore, as there has been no change in habitat type or condition, it is determined that the conclusions of the EclA dated April 2023 (submitted as Appendix 05 of the original planning application) remain valid, thereby deducing that no significant likely effects would occur to important biodiversity receptors, including legally protected species and designated sites, from either the construction or operational phases of the Proposed Development.

As such, the development proposals are considered to meet national and local planning policy associated with biodiversity and nature conservation.'

14.83 The EclA and addendum confirm that habitats on the site currently consist of neutral grassland, bramble scrub, trees and hedgerows. 0.3ha of other neutral grassland is proposed to be removed to facilitate the development, which may be used for foraging bats.

14.84 The EclA confirms the following ecological measures are proposed as part of the application:

- 136m of native hedgerow planting along the southern boundary which will be maintained at a height of 3m.
- Approximately 0.49ha of wildflower grassland planting
- 0.009ha swale with wetland margins
- 0.02ha of scrub
- 180m of native hedgerow to be incorporated into the proposed development
- Containment of light spill
- Maintenance of a 5m wide dark corridor along the eastern hedgerow – for foraging and commuting bats
- No habitat loss is proposed along Rodden Lake Stream inclusive of a 10m buffer protecting the riparian corridor – for foraging or commuting bat routes to be maintained
- Root protection fencing separating construction operations from all retained vegetation (trees, hedgerows, scrub)
- Commuting and foraging corridors to be demarcated and maintained during construction

14.85 Although the site does offer some opportunities for bats, the EclA concludes this is undermined by activity (including light) from the nearby dwellings and railway line.

14.86 Part 4.1.2 of the EclA summarises works and impacts thus:

'The proposed development will involve the removal of 0.3ha of other neutral grassland. A 5m buffer will be maintained along the eastern hedgerow to allow continued foraging and commuting from north to south. No habitat loss is proposed along the Rodden Lake Stream factoring in a 10m buffer along the riparian corridor and therefore any foraging or commuting routes from east to west will be maintained. The grassland along the southern boundary of the site will also be maintained with only a small area used for access which will similarly maintain any potential foraging and commuting routes along the southern end of the site.'

No structures or trees will be removed and therefore no loss of potential roosts is anticipated. Three trees on site offer low suitability for roosting bats. If trees are to be removed, then a Non-licensable Method Statement (NLMS) will be required and an ECoW will need to supervise the clearance...'

14.87 In relation to lighting associated with the proposed development, part 3.5.5 of the EclA concludes thus:

'The proposed development could impact on foraging and commuting bats from security lighting spill from the proposed development and loss of some grassland to hardstanding. However, appropriate mitigation has been set out in the Lighting Summary Report (Appendix ECIA-02) which demonstrates that, through the installation of lighting columns set to a maximum height of 4000mm (with forward throw optics and downward only light distribution) and a high opaque security fence, the majority of potential light spill within the battery storage compound is contained within the fence line.'

14.87 Part 4.1.2 of EclA further explains lighting impacts thus:

'Some light is anticipated to spill eastwards from the compound area. However, the Lighting Summary Report demonstrates that this reaches <0.5lux at the access track. Therefore, it is considered that the development can maintain a dark corridor of <0.5lux along the eastern boundary of the site.'

'No additional lighting is proposed along the southern boundary and 136m of native hedgerow is proposed to be planted along the southern boundary which will be maintained at a height of 3m. This additional hedgerow may provide some supplementary screening of any existing light spill from the existing residential housing along the southern boundary, thereby improving the suitability of this area for commuting and foraging.'

14.88 The submitted Lighting Summary Report, prepared by DPA Lighting Consultants, sets out the details of the proposed external lighting, including the area to the north which is proposed as a dark corridor. This has been accepted by the Somerset Council ecologist as acceptable. A condition is recommended which would see this lighting strategy adhered to.

14.89 The EclA concludes that because no scrub and hedgerow removal is proposed, birds and hedgehogs should be safeguarded.

14.90 Due to the date this application was submitted, the national requirement to secure at least 10% biodiversity net gain does not apply in this case.

14.91 The initial EclA submitted with the application showed removal of 0.33ha of other neutral grassland. Considering the proposed measures (0.49ha wildflower grassland, 0.009ha swale with wetland margins and 0.02ha of

scrub) the development represented an overall loss of 1.62 habitat units and 16.45% net loss. Credits to confirm there would be no net loss were proposed via an environment bank or similar, with details unconfirmed. This has subsequently been updated, with off-site mitigation proposed.

14.92 Off-site mitigation is now proposed via 0.7ha of grassland adjacent to the north of a small copse of woodland approximately 2.6km from the site. As with the application site, the off-site mitigation site is within band C of the Mells Valley SAC bat consultation zone. This land is proposed to be enhanced with measures including:

- Neutral grassland upgraded to 'good' condition
- Seeding of the woodland edge
- Planting of a new hedgerow

14.93 Management arrangements are proposed to be detailed in a Landscape and Ecological Management Plan (LEMP). The inclusion of the off-site enhancements means the development represents an overall biodiversity net gain of 13.35%.

14.94 This updated proposal has been agreed with the council's ecologist as well as Natural England.

Habitats Regulations Assessment

14.95 The requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered.

14.96 With regards to the impacts on the Mells Valley SAC, the application has been supported by Habitat Evaluation Process (HEP) calculations. Following previous comments from Natural England, these calculations have been amended, and Natural England has confirmed it agrees with the HEP calculation methodology and conclusions.

14.97 The application is also supported by a shadow Habitats Regulations Assessment (sHRA), which has been prepared by the applicant and agreed and endorsed by the ecology team at the council. The sHRA explains the off-site enhancements proposed. This has also been formally agreed by Natural England.

Conditions, Informatives and Obligations

14.98 As the off-site ecological mitigation/enhancement is outside the application site, this needs to be controlled by legal agreement, which is duly recommended.

14.99 The Landscape and Ecological Management Plan (LEMP) and confirmation of compliance with it are also recommended to be included in the legal agreement, as per the recommendations from the ecologist.

14.100 This is summarised below as obligations recommended via a S106 legal agreement:

Off-Site Habitat Creation/Enhancement

A minimum habitat enhancement area of 0.93 hectares (equating to a +0.16 overall gain in replacement bat habitat) accessible to greater horseshoe bats shall be provided as off-site mitigation in line with the document titled 'Off Site Area for BNG & HEP Requirement for planning application APP/2023/1070/FUL' (reference SLR Project No.: 404.000030.00002) shown on Figure 1 'Proposed Off-Site Habitat Enhancement Area Location'. This is also contained in the SHADOW HABITATS REGULATIONS ASSESSEMENT (revised), which was received on 08.01.2025.

The replacement habitat shall be of grazed neutral grassland, woodland edge and hedgerow 3-6m wide by 3m high.

Landscape and Ecological Management Plan (Pre-Commencement)

No development shall commence, including ground clearance and vegetation removal, until a Landscape and Ecological Management Plan (LEMP) has been submitted to and be approved in writing by the Local Planning Authority. The LEMP shall include the following:

- a. Description and evaluation of features to be managed both for on-site habitat, and off-site habitat enhancement area/ off site bat replacement habitat.
- b. The layout of the off-site habitat creation /enhancement.
- c. A planting schedule for the off-site habitat creation / enhancement.
- 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 organisation responsible for implementation of the plan.
- h. On-going monitoring and remedial measures.

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

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- 14.101 Conditions recommended by the ecology team for a construction environmental management plan (CEMP: Biodiversity) and lighting are recommended, with minor wording edits to make them consistent with other decisions and to fully comply with the conditions tests set out in the NPPF.
- 14.102 Compliance with the CEMP is not recommended as this is required as part of the CEMP condition itself and the NPPF requires conditions to be kept to a minimum.
- 14.103 The Somerset ecologist has recommended a condition requiring on-site biodiversity enhancements, which would sit on top of BNG commitments. This includes a log pile for reptiles and or amphibians; fencing to include gaps for hedgehogs and other animals to enter and exit the site; a bird nest box; and a bat box. This condition is duly recommended.
- 14.104 A condition recommended by the ecologist requiring no vegetation removal during the bird nesting season is covered by other legislation so is not necessary. Instead, an informative is recommended to remind the applicant of their legal obligations in this regard.
- 14.105 Informatives recommended by the ecologist on bats and badgers are agreed and included within the recommendations.

Conclusion on Ecology

- 14.106 It is therefore concluded that the proposed development would not have an adverse impact on bats or other ecology, it meets the HRA requirements and demonstrates an appropriate level of BNG can be delivered. The proposal therefore accords with policies DP5 and DP6 of LP1 and part 15 of the NPPF.

15 Trees and Planting

- 15.1 There are no protected trees on the site or near to the boundaries of the site. There are existing trees, hedgerows and vegetation on the boundaries of the site that contribute to the character and appearance of the area.
- 15.2 The application confirms that no trees, hedgerows or vegetation is proposed to be removed, and protective fencing is proposed during the construction period. No details have been submitted with the application to demonstrate the protective measures, including fencing proposed during construction. A condition is therefore recommended to agree the arboricultural protection measures across the site, and to ensure these are in place prior to any construction.

- 15.3 The proposed development is set back from most boundaries with planting, meaning the development can be delivered alongside this retained planting. The development however would abut an existing hedgerow on the western boundary. Whilst a technical solution is concluded to be possible, it is important that controls are put in place to ensure the retention of this feature. As such, a condition is recommended that would see an arboricultural method statement is submitted and agreed.
- 15.4 A generous package of new planting is proposed, to mitigate visual impact of the proposed development and to enhance the biodiversity value of the site. A landscaping condition is recommended to ensure this is delivered as per the submitted plan. This condition includes a requirement to replace any lost planting within 5 years, to ensure it is managed into maturity. This condition represents the maximum controls available through planning for planting delivery.
- 15.5 In conclusion on this matter, the proposed development would have an acceptable impact on a trees and hedgerows which have visual or amenity value. The proposal accords with policies DP1 and DP4 of LP1 and part 15 of the NPPF.

16 Drainage and Flood Risk

- 16.1 The site is all within flood zone 1 meaning the principle of development is acceptable in drainage terms but the applicant must demonstrate suitable drainage management.
- 16.2 The application has been supported by a Flood Risk Assessment and Surface Water Drainage Strategy which summarises the drainage proposals thus:
- '1. Use of permeable gravel surfaces through the development where possible to minimise runoff;
2. Use of filter drains to collect, slow and convey flows;
3. A wetland area on the northern site boundary to hold and attenuate excess flows whilst also maximising ecological benefits; and
4. A swale to discharge attenuated runoff towards Rodden Lake Stream across a broad front.'*
- 16.3 The Lead Local Flood Authority (LLFA) has considered the application and confirmed there are no objections.
- 16.4 Comments from the Environment Agency (EA) have confirmed the proposal is not subject to permitting requirements from the EA.
- 16.5 The EA has also stated that reassurances should be provided that water sources would not be adversely affected by the construction and operation of the development. Following discussions with the LLFA, conditions are

recommended which would see the detailed drainage plan and measures to prevent water discharge in the event of fire. These conditions meet the requirements of the EA and the LLFA.

- 16.6 In conclusion on this matter, the proposed development includes filtering surface water, swales, and filter drains. A wetland basin is proposed to slow water flow and absorb sediments and allow them to settle into the ground. Permeable paving is also proposed (no hard surfaces - grasscrete and gravel). Suitable emergency protocols can be put in place to safeguard nearby water features from pollution, subject to the inclusion of conditions as recommended. Following consultation with the LLFA and the EA, it is confirmed that the proposal would not have an adverse impact on flood risk or represent a danger to water quality or pollution. The proposal therefore accords with policies DP8 and DP23 of the LP1 and part 14 of the NPPF.

17 Residential Amenity

- 17.1 Policy DP7 of 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.
- 17.2 The proposed development would be located north of residential properties. 77-91 Styles Close have a rear or side aspect facing the existing electricity sub-station, therefore there would be some impact of the development to the north east, but this would be limited. There is arguably more impact on the occupants of 95-99 and 28 Styles Close, which currently have open views to the north where the development is proposed.
- 17.3 Following discussions with the applicant, updated plans have been submitted showing an enhanced planting package. The height of the acoustic fence has also been reduced during the life of the application, to reduce the impact on this feature. The land slopes down to the north which further reduces the impact of the development. These factors, together with the overall distance between the proposed development and the existing occupants mean that the proposal is not considered harmful such to warrant refusal of the application.
- 17.4 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 established that this alone is not a reason to withhold planning permission. This can be further controlled via a condition for a Construction Management Plan which would aim to ensure construction disruption is minimised.

- 17.5 Whilst some neighbours have raised concerns in relation to impact on their private views, this is not a planning matter that can be considered as part of the planning balance.

18 *Noise*

- 18.1 It is understood that noise would be omitted from the development which is associated with cooling fans to ensure the equipment is at the correct temperature. The proposed inverter fans also omit noise from converting the electricity from DC to AC and vice versa.
- 18.2 The agent has confirmed that noise is anticipated an average of 4 hours per day, reaching a maximum of 6 hours per day. Further, the agent states that cooling fans tend to operate at reduced speed at night due to falling temperature.
- 18.3 When the application was first submitted it included a 5m acoustic fence which was explained in the accompanying noise assessment. The application was initially subject to an objection from the environmental protection (EP) team. Concerns were also raised in relation to the visual impact this would have on the local area.
- 18.4 These issues were considered by the applicant, and revised plans and an associated noise assessment were submitted showing a 4m acoustic fence. Following further consideration by the EP team, the initial noise objection has been withdrawn. The amended noise assessment included an assessment of the existing noise context, which is confirmed to comply with national guidance. Following significant local objection on this point, the position has been checked and reiterated by the EP team.
- 18.5 It is noted that wind direction has been factored into the noise assessment work.
- 18.6 The EP team has recommended conditions to protect the amenity of nearby residential properties, including noise level controls and requiring the submission and agreement of a construction environmental management plan, including construction hours. These conditions are recommended accordingly, with some wording edits. The construction environmental management plan condition has been amalgamated with recommendations from the HA, and labelled a 'construction management plan' to avoid any confusion with a construction environmental management plan required for ecological purposes.

19 *Light*

- 19.1 A significant number of local objections have been raised regarding light pollution and associated impacts on sleep, health and well-being. As outlined in the ecology section of this report, the application has been supported by Lighting Summary Report, prepared by DPA Lighting Consultants. This includes a detailed outline of the proposed lighting and an assessment of impacts. The report explains the sensitive design to control light spill, and includes light modelling to demonstrate impacts are largely contained within the fence line of the BESS.
- 19.2 Proposed lighting would be passive infrared (PIR) which would be inactive as default and would be activated if movement is detected.
- 19.3 No lighting is proposed along the southern boundary adjacent to residential properties.
- 19.4 Considering the site context and the lighting information submitted, it is concluded that the application is acceptable in relation to light pollution and impacts on neighbouring amenity and health and well-being.

20 *Conclusion on Residential Amenity*

- 20.1 Given the nature of the development and the distance to residential occupants, the proposal is considered acceptable.
- 20.2 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 LP1 and part 12 of the NPPF.

21 Archaeology

- 21.1 The site is not identified as an area of high archaeological potential on the council's GIS constraints mapping system. No supporting information has therefore been submitted or required.
- 21.2 The South West Heritage Trust has been consulted and confirmed that the site is close to other sites which have identified Roman pottery.
- 21.3 As such, the South West Heritage Trust has recommended a condition requiring any groundworks associated with the proposal to be archaeologically monitored. Therefore a condition is included, in line with the recommendations from the South West Heritage Trust, for a programme of works in accordance with a written scheme of investigation (POW) (Pre Commencement).
- 21.4 Subject to the inclusion of this condition as recommended, the application is concluded to be acceptable in this regard.

22 Health and Well Being

- 22.1 Consultation comments have raised concerns that the proposal would harm physical and mental health. On the basis that the FRS has not objected to the proposal, there is no planning reason to conclude the site is unsafe or harmful to health.
- 22.2 This proposal has been considered in relation to part 8 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. Consideration has also been had to the ages of nearby residents.

23 Environmental Impact Assessment

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

24 Equalities Act

- 24.1 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.

25 Non-Planning Matters

- 25.1 Consultation comments have raised concerns in relation to private property prices. This is not a planning matter, so cannot be weighed in the planning balance.
- 25.2 There is also no scope within planning to consider or require nearby residents to be compensated.
- 25.3 Similarly, insurance premiums is a not a material planning matter that can be considered in the planning balance.
- 25.4 The consultation comment which states: 'How much will scc make out of it?' is assumed to refer to Somerset Council. Somerset Council is the local planning authority who must assess and determine the application. There are no financial or other benefit to the council.

26 Other Considerations

- 26.1 Some neighbour comments have suggested the application should not be considered. The local planning authority is required to consider all valid planning applications, regardless of the views of nearby occupants.
- 26.2 Comments from Network Rail (in relation to the railway line to the north of the application site) confirm there is no objection to the application. The applicant is required to engage with Network Rail outside of planning, to secure the necessary formal agreement(s). Drainage matters are concluded to be acceptable (see drainage section of this report).
- 26.3 The site rental arrangements are a matter between the landowner and the current tenant. Although the current tenant would need to find a new site if the site is developed, this is not a matter to justify refusal of the application.
- 26.4 Boundary fencing matters are subject to the Party Wall Act (1996) and sit outside the scope of planning. The application has been assessed on the basis that agreement of boundary treatments would be reached or the applicant would erect a 2.4m fence near to the southern boundary of the site, near the boundary but within the application site.
- 26.5 The application is not considered harmful by way of precedent. Each planning application is considered on its merits.
- 26.6 Consultation comments have suggested the government should offer greater support for applicants to find suitable sites. The application is considered on the basis of the policy and legislative framework in place, and an assessment of the planning implications is set out in this report.
- 26.7 Concerns have been raised through consultation that neighbour comments have not been adequately considered or addressed. The local planning authority has considered all relevant planning matters, including comments raised through consultation, in order to recommend and determine the application. Whilst officers do not have capacity to respond to individual consultation comments, the local planning authority has met its obligations in relation to consultation and assessment of the application.
- 26.8 Consultation comments has also stated that the current policy framework does not adequately protect residential areas from inappropriate development. The local plan and NPPF both include various policies in this regard, which have been fully considered in the assessment of this application. The emerging Somerset Local Plan will include consultation opportunities in due course, and suggestions for new policies can be made.
- 26.9 This planning application incorporates the change of use of the land, and a separate planning application is not required in this regard.
- 26.10 Some neighbour comments have stated the planning application includes inaccuracies. An example would be that the application states the land is

vacant. It is understood that the land is currently rented for equestrian uses. The planning application is considered in good faith. The scope of the site and the proposal is sufficiently understood to allow for robust assessment and determination of the application.

- 26.11 Some neighbours have stated the proposal represents no benefits to them. There would potentially be wider community benefits to energy controls and reliability as well as supporting renewable energy development. In terms of benefits on the immediate neighbours, there is no requirement for financial or other benefits of development to be passed onto neighbouring occupants. During the life of the application, the agent has confirmed that the applicant is prepared to contribute £10,000 per annum into a community benefit fund. This would not meet the national tests for planning obligations, as it would not be necessary to make the development acceptable in planning terms. As such, this would sit outside of the planning balance.
- 26.12 The application is within private ownership. There are no paths (formal or informal) through it. It is not a community open space and should not be considered as such.
- 26.13 Impacts on community cohesion via the impacts of the planning application are noted but this is not a reason to justify refusal of the application.
- 26.14 Any impacts on local services, including healthcare, emergency services, roads and schools are also not such to warrant refusal of the application.
- 26.15 Economic benefits and job creation can be considered in the planning balance. It is noted that some objectors have argued this benefit does not outweigh other harms they have identified.
- 26.16 Suggestions through public consultation that the proposal would lead to economic displacement through neighbours moving away is difficult to justify as a reason for refusal.
- 26.17 Members have asked if consideration could be had as to potentially opening up the landscaped area to the local community, with seating etc. This has been discussed with the agent, who has confirmed that this had been considered but the scheme as proposed was considered preferable as it has higher ecological value. There was also uncertainty as to whether neighbours would have concerns in relation to anti-social behaviour, noting this area does not benefit from high levels of natural surveillance.
- 26.18 Some comments have referred to the then Energy Bill, suggesting that a decision should not be made on this application until this comes into law. The Energy Act received royal assent in October 2023, and can be considered as relevant to this planning application.
- 26.19 One neighbour comment has suggested the applicant 'stress-tested the battery design against the proposed UKCP18 projections for the Frome

region to ensure thermal thresholds aren't exceeded'. The UK Climate Projections are set of tools and data that show how the UK climate may change in the future. It is understood that assessment against UKCP18 has not been undertaken, but that this is not a requirement for planning applications.

27 Planning Balance and Conclusion

- 27.1 The significant safety concerns raised through public consultation are an important factor to consider in the planning balance. The application has been supported by a draft 'On-Site Incident Response Plan'. It is customary with BESS applications for plans to be submitted in draft form, with a detailed version to be agreed via condition, in consultation with the FRS. Devon and Somerset Fire and Rescue Service has reviewed the draft plan and made some recommendations to inform the applicant's detailed plan preparation at condition stage. It is noted that some elements of the detailed safety precautions are covered by building regulations. Devon and Somerset Fire and Rescue Service has not objected to the application, and there is no reason to conclude the development could not be delivered with acceptable fire, emergency and monitoring plans in place.
- 27.2 The council has declared a climate emergency, and the development would support the renewable energy sector, if the impacts are acceptable. Following lengthy discussions with the applicant, various changes have been made, and the proposal is now considered acceptable including by way of impacts on landscape, design, ecology and public safety terms. Although the development would change the local character, due to the site context and proposed mitigation planting this harm is considered acceptable when weighed against the benefits of the proposal.
- 27.3 Although 40 years is a significant period of time, the land is proposed to be restored to agricultural land at the end of this.
- 27.4 Identified harms include landscape harm and harm to the character and appearance of the site. The application should be considered in the context that the harms would be temporary and reversible (be it for a 40 year timescale).
- 27.5 Benefits include energy storage, including renewable energy. Other benefits include biodiversity net gain and construction and operation jobs.
- 27.6 All other relevant planning matters have been considered during the life of the application including trees, heritage, drainage, design, amenity, highways, ecology and biodiversity net gain.
- 27.7 Considering all the harms and benefits in the overall planning balance, the benefits are concluded to outweigh the harms and the application is recommended for APPROVAL in this case, subject to a S106 legal agreement and the inclusion of a suite of planning conditions and informatives.

RECOMMENDATIONS

Recommendation:

That planning permission be granted subject to recommended planning obligations in a S106 legal agreement and the planning conditions and informatives as set out in this report.

That the application be advertised as a departure from the development plan. In the event that new and substantive matters are raised as part of the departure advertisement then the application will be returned to the planning committee.

Recommendation

Approval

Conditions

1. Plans List (Compliance)

This decision relates to the following:

- FP-DWG-01 - SITE LOCATION PLAN - 13.06.2023
- F-6 A - LANDSCAPE STRATEGY PLAN - 29.09.2023
- FP-DWG-02 REV01 - SITE LAYOUT PLAN - 29.09.2023
- FP-DWG-04 REV01- SITE ELEVATIONS - 29.09.2023
- FP-DWG-06 REV01 - SITE LEVELS PLAN 2 PROPOSED LEVELS - 29.09.2023
- FP-DWG-03 REV 01- SITE CROSS SECTIONS - 29.09.2023
- FP-DWG-07 - SSE SUBSTATION - 13.06.23
- FP-DWG-08 - CLIENT CONTROL ROOM - 13.06.23
- FP-DWG-09 - AUXILARY TRANSFORMER PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-10 - ELEMENTA BATTERY PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-11 - MV TRANSFORMER PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-12 - PCS INVERTERS PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-13 - BIC UNIT PLAN AND ELEVATIONS - 13.06.23
- FP-DWG-14 - CCTV COLUMN PLAN AND ELEVATIONS - 13.06.23

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

2. Time Limit (Compliance)

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

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

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

The permission hereby granted shall expire no later than 40 years from the date of this permission.

Reason: Planning permission has been granted on the basis of the development being operated for a temporary period only. Permission for a greater period of time would require re-assessment of its merits.

4. **Removal of Works (Bespoke Trigger)**

Not later than 12 months before the expiry of this permission, or, if before then, within 6 months of the point where the development hereby permitted permanently ceases to operate, a decommissioning and site restoration scheme, including a programme of implementation, shall be submitted to the local planning authority for written approval.

The scheme shall make provision for, as a minimum, the removal of all above ground equipment and foundations to a depth of at least one metre below finished ground level. The approved scheme shall thereafter be fully implemented in accordance with the approved details.

Reason: Planning permission has been granted on the basis of the development being operated for a temporary period only, and its removal is required when the operation ceases.

5. **Battery Safety Management Plan (BSMP) (Pre-Occupation)**

The development hereby approved will not be brought into use until a Battery Safety Management Plan (BSMP) is submitted to and approved in writing by the Local Planning Authority, following the guidance set out in 'Grid Scale Battery Energy Storage System planning - Guidance for FRS' (or adopted update) prepared by the National Fire Chiefs Council (NFCC). The BSMP will be in accordance with the ON-SITE INCIDENT RESPONSE PLAN - UPDATED (received 21.12.2023)

Reason: To ensure that the safe operation of the site in accordance with policy DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014), the 'Renewable and Low Carbon Energy' NPPG and the NPPF.

6. **Emergency Pollution Control Method Statement (Pre Commencement)**

No development shall commence until such time as a detailed method statement and emergency plan for pollution control in the event of, and remediation following, a battery fire incident has been submitted to and approved in writing by the local planning authority. The scheme shall include, but not necessarily be limited to:

o The pollution control methods used in case of a fire, such as how and when valves will be closed to ensure firewater is stored on site and ensuring there is sufficient capacity within the system if needed.

o How and where contaminated surface water, materials and drainage infrastructure will be sampled, managed and remediated/replaced following a fire incident to ensure no contamination enters the environment when normal operation resumes.

The scheme shall be implemented as approved in the event of a fire incident.
Reason: To ensure that the any potentially contaminated effluent does not pose an unacceptable risk to the water environment in line the National Planning Policy Framework.

7. **Battery Storage Surface Water Drainage (Pre-Commencement)**

No development of the development hereby approved shall commence until a final scheme to dispose of surface water has been submitted to and approved in writing by the local planning authority. This shall include impermeable areas surrounding the battery units, a directed flow hydrobrake chamber restricting run off of contaminated firewater, and a contaminated effluent storage area also with impermeable areas surround it. The final drainage designs must demonstrate that in the event of a battery fire, all firefighting effluent can be retained on site with no discharge to surface our ground waterbodies. The scheme shall be implemented as approved for the lifetime of the development.

Reason: To ensure that any potentially contaminated effluent in the event of a pollution incident does not pose an unacceptable risk to the water environment in line with paragraph 180 of the National Planning Policy Framework.

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

All hard and soft landscape works shall be carried out in accordance with the approved F-6 A - LANDSCAPE STRATEGY PLAN (received 29.09.2023). The landscaping works shall be carried out prior to the development becoming operational or in accordance with a programme agreed in writing with the local planning authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority.

All hard landscape works shall be permanently retained in accordance with approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

9. **Buildings Materials (Bespoke Trigger)**

No external facing materials in respect of the walls and roofs of the substation, client control room and elementa battery buildings hereby approved shall be constructed or installed unless in accordance with a schedule of materials and finishes to be used in the construction of the external surfaces that has first been submitted to and approved in writing by the local planning authority. The buildings hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the provision of an appropriate design and landscape setting to the development in accordance with policies DP1, DP4 and DP7 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

10. **Hard Boundary Treatments (Pre-Occupation)**

Prior to the development being operational details of design and materials of all forms of hard boundary treatments (gates and fencing) shall have been submitted to and approved in writing by the local planning authority. This shall include details of dressing the fencing in anti-flammable material in line with the approved draft 'On-Site Incident Response Plan'. 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 and fire safety in accordance with policies DP1, DP7 and DP8 of the Mendip District Local Plan Part 1:Strategy & Policies 2006-2029 (adopted 2014) and the NPPF.

11. **Construction Environmental Management Plan: 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" including adjacent lowland meadow and Rodden Lake Stream, trees, hedgerows and scrub.
- 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 habitat clearance measures, badgers buffer zones etc.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The construction of the development shall thereafter be carried out strictly in accordance with the approved CEMP.

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). This is a condition precedent because it is necessary to understand the scheme in detail prior to any initial construction works to safeguard protected species.

12. External Lighting (Compliance)

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in strict accordance with specifications and locations set out in the design (Lighting Summary Report, dpa lighting consultants, April 2023 RevA).

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

13. Biodiversity Enhancements (Pre-Occupation)

The development hereby approved will not be brought into use until the following biodiversity enhancements have been delivered in suitable locations across the site:

- a) One log pile as a resting place for reptiles and or amphibians constructed within the southern extent of the site;
- b) Any new walls or fencing should have occasional gaps of approximately 13cm by 13cm in the base of the wall or fence to allow hedgehogs and other animals to enter and exit the site;
- c) One Vivara Pro Seville 32mm WoodStone Nest Box (or similar) should be installed in hedgerow facing east or north, at a height above 3m.
- d) Installation of one Kent bat box, purchased or built, on to a mature tree on site, facing south or west, at a height above 3m.

All biodiversity enhancement measures shall be retained and maintained throughout the life of the planning permission.

Reason: To ensure that the implementation and success of the Ecological Assessment, to prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and the NPPF.

14. Detailed Arboricultural Method Statement (Pre-Commencement)

No development shall commence, including ground clearance and vegetation removal, other than those works required by this condition, until a Detailed Arboricultural Method Statement following the recommendations contained within BS5837:2012 has been submitted to and approved in writing by the local planning authority. The Detailed Arboricultural Method Statement shall contain full details of the following:

- (a) Timing and phasing of arboricultural works in relation to the approved development.

- (b) Construction exclusion zones.
- (c) Protective barrier fencing.
- (d) Ground protection.
- (e) Details of any works within the RPA (Root Protection Area) and the proposed arboricultural supervision.
- (f) Service positions.
- (g) Details of any special engineering requirements, including 'no dig construction'.
- (h) A Tree Protection Plan

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

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

15. Tree Protection Plan (Pre-commencement)

No development shall take place until an annotated tree protection plan following the recommendations contained within BS 5837:2012 identifying measures (fencing and/or ground protection measures) to protect the trees to be retained has been submitted to and approved in writing by the local planning authority. The plan shall include proposed tree protection measures during site preparation (including clearance and level changes), during construction and landscaping operations. The plan 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 until the protective measures as stated in the approved annotated tree protection plan are implemented.

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

16. Noise (Compliance)

Following the construction stage, the rating level of any sound arising due to the use hereby permitted shall not exceed the prevailing background noise levels (LA90) by 5 dB at the nearest noise sensitive property at all times when assessed in accordance with BS4142:2014 + A1:2019 (or subsequent amended versions).

Reason: To prevent excessive noise and protect the residential amenity of neighbouring occupiers in accordance with policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014)

17. Construction Management Plan (Pre-Commencement)

No development shall commence, including site clearance, groundworks or construction, unless a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works has been submitted to and approved in writing by the local planning authority. The CMP shall include:

- a) Measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction
- b) Measures to regulate the on-site routing of construction traffic
- c) The location and covering of stockpiles
- d) Details of measures to prevent mud from vehicles leaving the site, including wheel- washing facilities
- e) Control of fugitive dust from earthworks and construction activities
- f) Dust suppression measures
- g) A noise and vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites'
- h) A waste disposal policy (to include no burning on site)
- i) Measures for controlling the use of site lighting whether required for safe working or for security purposes
- j) Details of any site construction office, compound and ancillary facility buildings
- k) Specified on-site parking for vehicles associated with the construction works and the provision made for access thereto
- l) A 24 hour point of contact (such as a construction liaison officer/site manager) and details of how complaints will be addressed, including an appropriate phone number
- m) Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- n) Locations for loading/unloading and storage of plant, waste and construction materials
- o) Measures to protect vulnerable road users (cyclists and pedestrians)
- p) Any necessary temporary traffic management measures
- q) Arrangements for turning vehicles
- r) Arrangements to receive abnormal loads or unusually large vehicles
- s) Methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

The CMP shall confirm:

That noise generating construction activities shall not occur outside of the following hours:

- o Mon - Fri 08:00-18:00
- o Sat 08:00 -13:00

All other times, including Sundays, bank and public holidays, there shall be no such noise generating activities.

The approved CMP shall be adhered to throughout the demolition and construction period.

Reason: To ensure that safe operation of the highway and minimise the effect of noise and dust from the construction phase of development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and parts 9 and 12 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highway safety and/or residential amenity.

18. **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 monitoring, 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 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.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are

exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

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

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.
5. **Legal Protection Afforded to Badgers**
The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations, or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

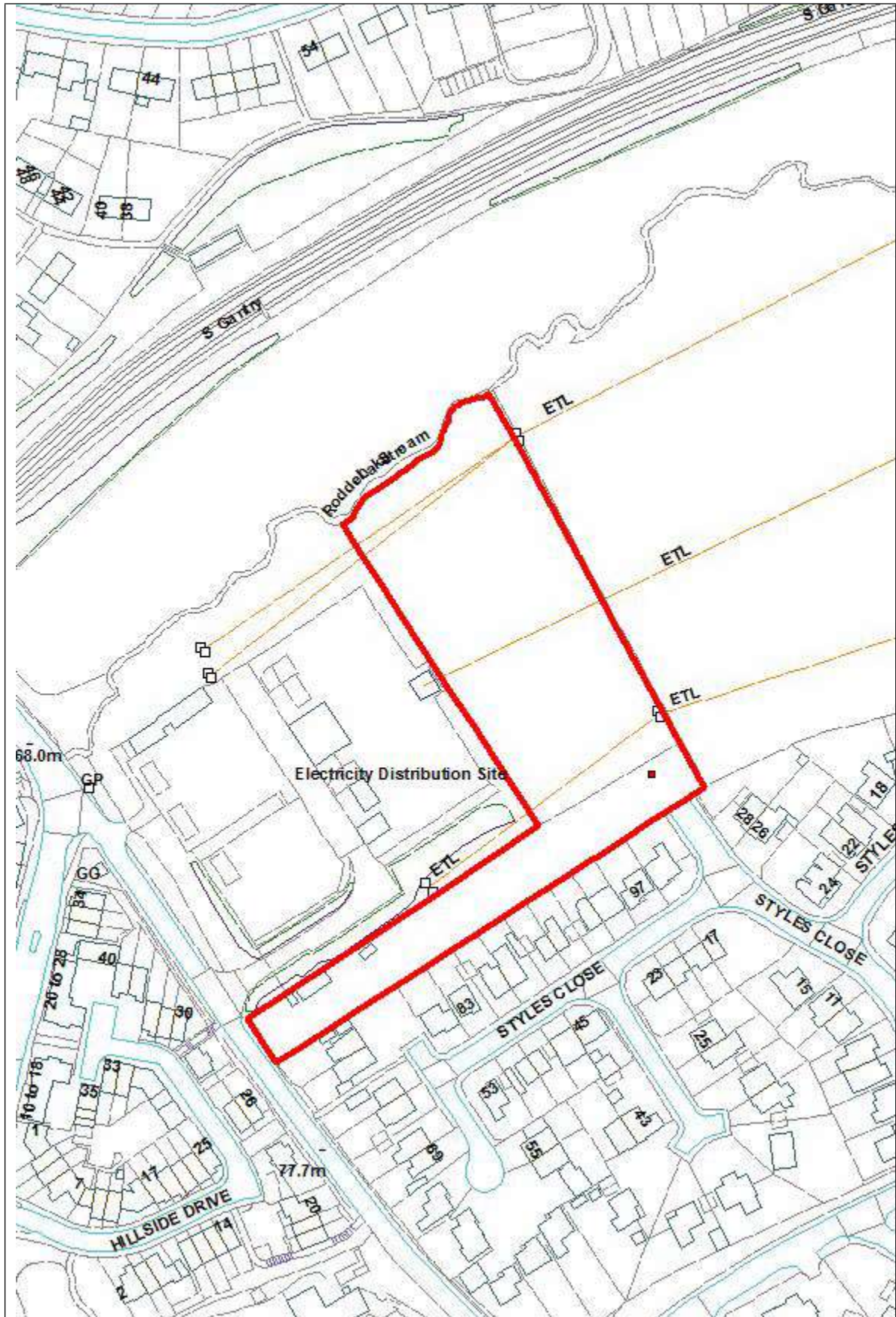
6. **Legal Protection Afforded to Bats**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed, and experienced ecologist at the earliest possible opportunity. Any trees to be removed which have been identified as having potential for roosting bats will be inspected by a suitably qualified ecologist immediately prior to being felled under a non-licensable method statement. If it is further considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is confirmed, then felling will need to be delayed, and an EPS licence sought from Natural England.

7. **Bird Nesting Season**

Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between 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.

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Planning Board Report 4th February 2025
Land North Of Styles Close
Frome
Somerset

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Application Details	
Application reference numbers	2024/0750/FUL
Application type	Full
Extension of time	Yes
Description	Expansion of the existing sports facilities, including construction of a family putting course; an outdoor gym; 3 outdoor pickleball courts, including a children's play park & a cabana; conversion of a greenkeeper's building to indoor pickleball courts. Construction of overnight accommodation in the form of 48 eco cabins (12 buildings) and 9 lodges, partially in replacement of permitted caravan pitches. Erection of a maintenance hub & Greenkeepers Unit. Various alterations to the clubhouse, other buildings & the golf driving range. Necessary demolition & engineering works, & installation of associated infrastructure and landscaping. (Amended info. rec'd 18.11.2024 and add. info rec'd 09.12.2024).
Site address	Farrington Golf Club Marsh Lane Ston Easton Wells Somerset BS39 6TS
Parish	Ston Easton
Conservation area	No
Somerset Levels & Moors Ramsar site catchment area	No
National landscape	No
Case officer	Ed Winter
Agent	J Broadway
Applicant	R Clive
Reason for reporting to East committee	Major development with officer recommendation contrary to that of Ston Easton Parish Council.

1. Recommendation

- 1.1 That, subject to the recommended conditions and the prior completion of a S106 legal agreement to secure a Landscape and Ecological Management Plan and a Travel Plan, planning permission be GRANTED for the reasons set out in the Officer Report.

2. Executive summary and key reasons for recommendation

- 2.1 The application proposes the expansion and diversification of the existing golf course, to introduce holiday accommodation, new sports courts and a new maintenance facility. The proposal aligns with the relevant local plan policies and national planning policies. It would bring economic and sporting/recreational benefits and adverse impacts are considered limited and could be mitigated.

3. Planning obligations, conditions and informative notes

- 3.1 Planning obligations, often referred to as Section 106 agreements, are legal agreements between developers/landowners and local planning authorities. They are used to mitigate the impacts of new developments. For a planning obligation to be valid, it must meet three key tests:

Necessary to make the development acceptable in planning terms

The obligation should address a specific issue that would otherwise make the development unacceptable.

Directly related to the development

There must be a clear connection between the development and the obligation.

Fairly and reasonably related in scale and kind to the development

The obligation should be proportionate to the impact of the development. These tests are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and are also reflected in the National Planning Policy Framework. Where an impact could be mitigated by condition instead of a planning obligation, conditions should be used instead. The following are considered to meet the above criteria.

3.2 Planning obligations

- Landscape and ecological management plan
- Travel plan

3.3 Conditions

- Timescale for the commencement of the development
- Plans
- Sustainability strategy statement
- Surface water drainage system
- Lighting plan
- Construction and servicing management plan
- Bicycle storage and electric bicycle loan/hire scheme
- Security measures
- Wayfinding scheme

- Construction environmental management plan (ecology)
- Holiday accommodation occupancy
- Soft landscaping
- Materials
- Reporting – ecological clerk of works
- Arboricultural method statement
- Badger survey
- EV charging
- Reptile mitigation

3.4 Scheme of delegation

The application proposes major development. The officer recommendation is for approval, whereas Ston Easton Parish Council objects to the application. Therefore, the application is to be determined by Planning Committee East.

4. Proposed development

4.1 The application proposes the expansion and diversification of the existing golf course, as set out below.

- Expansion of existing sports facilities (*located SW of existing clubhouse*):
 - Construction of a family putting course
 - Outdoor gym
 - 3 outdoor and 3 indoor pickleball courts (*existing greenkeeper's building to south of clubhouse converted to accommodate the 3 indoor courts*)
 - 6 padel tennis courts (outdoor)
 - Children's play park and cabana
- Construction of overnight accommodation:
 - 48 eco cabins (*12 buildings, located SW of proposed padel tennis*)
 - 9 lodges (*in same location as previously permitted caravan pitches, to east of existing driving range on an existing maintenance yard*)
- Erection of a maintenance hub and greenkeepers building (*NE of access road*).
- Various alterations to:
 - Clubhouse and other buildings around the clubhouse complex
 - Some fenestration changes to clubhouse, but changes are mainly internal – upgraded dining, lounges and guest areas
 - Golf driving range
- Necessary demolition and engineering works
- Installation of associated infrastructure and landscaping

5. The site

5.1 The application site (red line) does not include the whole of Farrington Park. It includes the existing access drive and the area where the maintenance hub is proposed, the existing clubhouse, gym and various ancillary buildings, the car park, a yard area where the 9 lodges are proposed, the driving range and some other incidental land around the clubhouse. It also includes a practice area of the existing golf course, where the 48 cabins would be located).

- 5.2 Furthermore, one hole of the existing nine-hole course and part of another hole on the same nine-hole course is included in the application site and would be developed as part of the cabin area.
- 5.3 Outside the application site (red line), but within the rest of Farrington Park, is the remainder of the existing nine-hole and the main 18-hole course.

6. Overlapping permissions

- 6.1 As set out in the planning history section below, consent was granted in 2019 under reference 2018/0577/FUL for a new academy course and driving range, as well as two new golf holes, conversion of the front five holes into a nine-hole course, a new spa and accommodation facilities, a touring caravan park with amenities, the conversion of the existing driving range into accommodation and extension to the car park.
- 6.2 The development under the 2019 consent has been started, but not completed. The current application site (red line) overlaps with parts of the development in the 2019 consent. Both consents cannot be physically implemented, as the site areas overlap and differ from each other.
- 6.3 According to caselaw (*Hillside Parks Ltd (Appellant) v Snowdonia National Park Authority (Respondent)* [2022] UKSC 30; *Pilkington v Secretary of State for the Environment* [1973] 1 WLR 1527), the following principles apply.
- Failure or inability to complete a project for which planning permission has been granted does not make development carried out pursuant to the permission unlawful.
 - But (in the absence of clear express provision making it severable) a planning permission is not to be construed as authorising further development if at any stage compliance with the permission becomes physically impossible.
- 6.4 Therefore, if the current application were granted, the applicant would be entitled to continue implementing the 2019 permission, but only until they implement any part of the current application that would make compliance with the 2019 permission physically impossible. At that point, the 2019 would be lawful as implemented up to that point, but any further implementation of the 2019 consent would not be lawful. Therefore, in order to implement both the 2019 consent and the current application scheme, the 2019 consent would need to be completed before commencement of the current consent (insofar as they overlap).

Implementation of 2019 permission

- 6.5 Concerns have been expressed by a member of the public as to whether the 2019 permission referred to above has been lawfully implemented. Specifically, it is claimed that Condition 7, relating to traffic management, which was a pre-commencement condition, was never discharged and therefore the permission is no longer valid. However, details were submitted and approved pursuant to Condition 9 (construction and environmental management plan), which included details of traffic management. The Council has also confirmed in writing the applicant that the development had been lawfully started. Furthermore, the non-implementation of Condition 7 is not considered to go to the heart of the consent and therefore, following caselaw, this would not invalidate the permission (*Whitley & Sons v*

Secretary of State for Wales (1992) 64 P&CR 296; R (Hart Aggregates Ltd) v Hartlepool Borough Council [2005] EWHC 840 (Admin) Bedford Borough Council v The Secretary of State for Communities and Local Government and Aleksander Stanislaw Murzyn [2008] EWHC 2304 (Admin)) R (Howell) v Waveney District Council [2018] EWHC 3388).

7. Constraints

The following constraints relate to the application site.

- Agricultural land classification: 3a, 3b, other.
- Coal development risk – low risk area.
- Contaminated land – waste disposal site.
- Registered park & gardens (grade II).
- Local wildlife site: Rush Hill Woods (outside red line).
- Priority habitats: (within Rush Hill Woods).
- Public rights of way: CL19/3, CL19/4.
- Spaces and open areas.
- SSSI impact risk zones.
- Tree preservation order: M1175 (Rush Hill Woods).

8. Relevant history

- **2021/0624/APP:** Application for approval of details reserved by conditions 5 (Drainage) & 6 (Surface Water Drainage System) on planning consent 2018/0577/FUL. Approved 26.08.2021.
- **2020/1152/APP:** Application for approval of details reserved by conditions 4 (Hard and Soft Landscaping), 5 (Drainage - Foul), 6 (Surface Water Drainage System), 9 (Construction Environmental Management Plan), and 12 (Arboricultural Method Statement and Tree Protection Plan) on planning consent 2018/0577/FUL. Split decision issued 05.11.2020.
- **2019/1462/APP:** Application for approval of details reserved by conditions 10 (Landscape and Ecological Management Plan), on planning consent 2018/0577/FUL. Approved 31.07.2019.
- **2018/0577/FUL:** Proposed works to a golf club including new academy course, new driving range, two new golf holes to North-West, Front 5 holes converted to 9 hole course, new Spa and Accommodation, new touring caravan park and amenities, conversion of existing driving range to accommodation and proposed car park extension. (Amended Plans and Description). Granted 26.03.2019.
- **2017/2765/FUL** - Proposed works to a golf club including new academy course, new driving range, two new golf holes to North-West, three new golf holes to South, front 5 holes converted to 9 hole course, new spa and accommodation, new touring caravan park and amenities, conversion of existing driving range to accommodation and proposed car park extension. (Withdrawn: 30.01.2018)
- **2010/2068** - Alterations & extensions to provide improvements to restaurant, storage, circulation areas & toilets. (Approved: 12.11.2010)
- **102666/015** - Single storey extensions to form new pitched roof health suite and flat roof fitness studio as amplified by additional plans received 14/9/01 and letter dated 27th September, 2001 (CAT A) (Approved: 01.10.2001)

- **102666/011** - Outline application for golfing holiday village & associated facilities (Refused: 22.05.1998)
- **102666/008** - Ten narrow beam floodlights on roof of golf driving range building (Approved: 09.09.1993)
- **102666/007** - Proposed flood lighting to golf driving range (Approved: 16.07.1991)
- **102666/006** - Conversion of farm to golf course. Reserved matters of design and external appearance, as amended by letter and drawings 8988. A1-2 and L1.1-2 received 12.11.90 (Approved: 13.11.1990)
- **102666/005** - Landscaping details for conversion of farm to golf course, as amended by drawings received 8.11.90. (Approval: 23.01.1991)
- **102666/003** - Conversion of outbuildings and barns to golf clubhouse and associated facilities; construction of golf course on surrounding land as amended by drawing 899 8/01a and 8998/03 received 24.1.90; letter and drawing No.8998/07a received 23.3.90; letter and drawing No.8998/14a received 31.7.90. (Approved: 27.02.1990)

9. Environmental Impact Assessment

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

10. Habitats Regulations Assessment

10.1 A stage 1/screening HRA was carried out because two European protected sites were identified within 10km of the proposed works. These are the North Somerset and Mendip Bats Special Area of Conservation (SAC) and the Mells Valley SAC, which are designated for their significant populations of greater and lesser horseshoe bats.

10.2 However, the screening concluded that no habitat qualifying features for the two SAC will be affected by the proposed development due to the distance from Mells Valley SAC at 6.5km and North Somerset and Mendip Bats SAC at 8.5km therefore no significant effects are likely to occur to either SAC or its features of interest.

11. Consultations

Statutory Consultee	Comments
Ston Easton Parish Council	<ul style="list-style-type: none"> • Lack of consultation with nearby homeowners was noted. • Concerns about noise from events and maintenance activities. • Increased lighting levels impacting wildlife and night skies. • Significant traffic increase due to the site's transformation into a holiday park. • Concerns about surface water runoff and drainage adequacy. • Public Rights of Way through the site need proper signage and maintenance.

Statutory Consultee	Comments
Bath & North East Somerset Council	No objection subject to conditions to control construction management, vehicle deliveries and Travel Plan.
Highway Authority	No objection.
Lead Local Flood Authority	No objection subject to conditions on sustainable surface water drainage scheme, including measures to control and attenuate surface water.
Natural England	No comments received.
Sport England	No objection.
Utilities Providers	Wessex Water: no comments received.
Officer comments on the above:	
<ul style="list-style-type: none"> • Consultation was carried out in the standard fashion, in accordance with the Council's Statement of Community Involvement. • Concern regarding noise from events and maintenance is noted. However no objection has been raised from Environmental Protection and it is not considered necessary to seek noise mitigation measures through condition. It should also be noted that this does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia; the Statutory Nuisance provisions of Part III of The Environmental Protection Act 1990, the Licensing Act 2003 and the provisions of the Anti-social Behaviour, Crime and Policing Act 2014. • Lighting comments noted and conditions will control lighting. • Highways Authority does not support the assertion regards traffic generation. • Drainage is considered to have been addressed as per LLFA position. • Conditions are proposed to secure PROW wayfinding throughout site. • Construction management and vehicle service condition proposed. Travel plan to be secured through s106 Agreement. • SUDS & drainage conditions are proposed. 	

Internal non-statutory consultee	Comments
Conservation	No objection subject to conditions on materials.
Ecology	No objection subject to conditions regarding verification of construction ecological management plan, external lighting, tree protection, badger survey, vegetation removal, dormice habitat removal, great crested newt licencing, landscape and ecology management plan.
Environmental Protection	No objection.

Internal non-statutory consultee	Comments
Landscape	No objection (some recommendations made which have been addressed)
Public Rights of Way	No objection, however, diversion required. Suggest Grampian condition. Potential improvement for bridleway.
Trees & Woodlands	No objection subject to condition for arb method statement and tree protection plan as set out in submitted tree report.
<p>Officer comments on above:</p> <ul style="list-style-type: none"> • Materials conditions proposed. • Ecology conditions proposed. • Landscape comments already addressed through amendments. • Grampian condition proposed for PROW. • Arboricultural method statement and tree protection plan condition proposed. 	

External non-statutory consultee	Comments
Designing Out Crime	<p>No objection. Comments given.</p> <p>Implement a vehicle access control system at the main entrance.</p> <p>Prevent easy vehicle access to Green Keepers Buildings, secure doors and windows, install a 2m high security fence, and use alarms and CCTV.</p> <p>Cover car parks with CCTV and suitable lighting.</p> <p>Ensure doors and windows in main buildings meet security standards, secure bar areas, install CCTV and alarms, and provide external illumination.</p> <p>Illuminate pedestrian routes during darkness and design landscaping to maximise sight lines.</p> <p>Ensure doors and windows in lodges and eco cabins meet security standards and provide entrance lighting.</p> <p>Install a comprehensive CCTV system.</p> <p>Provide dedicated cycle storage with robust, lockable buildings and stands.</p>
South West Heritage Trust	No objection.

External non-statutory consultee	Comments
Officer comments on above: <ul style="list-style-type: none"> • Security, cycle storage and lighting conditions proposed. 	

12. Local Consultation and Representation

12.1 In accordance with the Council's Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties. A site notice was displayed and a press advert placed as part of the initial consultation. Issues raised by members of the public are summarised below.

Supportive Comments:

- **Economic and Employment Benefits:**
 - Many comments highlight the creation of jobs and the boost to the local economy.
 - The introduction of new facilities like padel tennis, pickleball, and eco cabins is seen as beneficial for attracting visitors and supporting local businesses.
- **Community and Recreational Improvements:**
 - The expansion of sporting and leisure activities is welcomed for providing more options for local people.
 - The development is expected to improve health and fitness opportunities with facilities like an outdoor gym and family-oriented activities.
- **Environmental and Ecological Considerations:**
 - Some comments appreciate the sensitive landscaping, including additional tree planting.
 - The project is seen as incorporating attention to environmental sustainability.

Concerns and Issues:

- **Impact on Local Residents:**
 - Noise and disruption from construction and maintenance activities are key concerns, particularly for residents living close to the proposed development.
 - Privacy issues due to the location of maintenance facilities and increased traffic on narrow local roads are highlighted.
 - Specific properties highlighted include Country Ways (a residential property), North Lawn (a residential property) and Rush Hill Woods (a managed woodland).
 - Country Ways
- First comment: Concerns regarding noise (construction and operational), privacy blot on landscape (maintenance building), impact on wildlife, increase in traffic, flooding
- Second comment: flooding worsened
 - North Lawn

- Not clear if permission 2018/0577/FUL was materially commenced as condition 7 is a pre-commencement condition relating to construction traffic management, and no application has been made to approve details pursuant to this condition.
- Ecology & landscape impacts (these are addressed in the relevant sections.
- Residential amenity in relation to North Lawn
 - Current disturbances from the golf course include noise from people and golf balls landing in the garden. Golf balls frequently landing in the garden impact the enjoyment of outdoor space.
 - The golf course is quiet and dark during late evenings, overnight, and early mornings.
 - Introduction of 48 cabins (96 people) will increase noise levels near North Lawn.
 - Additional noise will be experienced from early morning until late evening.
 - General increase in site usage will generate higher noise and disturbance levels.
 - Parking for eco cabins is at the clubhouse, but cars will access cabins at arrival/exit times.
 - Up to 96 cars (48 arriving, 48 leaving) will cause noise from vehicles and door slamming.
 - Area around eco cabins will be lit, causing light spill from cabins, buildings, paths, and roads.
 - Light spill from pickleball and padel tennis courts will also contribute.
 - Current area is very dark with no lighting, and new lighting will harm the "dark sky" and residential amenity due to light spill and glare.
 - Rush Hill Woods
 - Concerns over lighting affecting bats
 - Concerns over golfer and other visitors entering the woodland without authorisation.
 - **Environmental Impact:**
 - Concerns about light pollution affecting local wildlife, especially bats in adjacent woodlands.
 - Potential negative effects on drainage and surface water runoff, leading to flooding issues.
 - **Loss of Facilities and Natural Habitat:**
 - Objections to the reduction of golf course holes and the loss of wildlife habitats, including ponds and wildflower meadows.
 - The impact on local biodiversity, with specific mentions of various species that could be affected.
 - **Traffic and Highway Safety:**
 - Increased traffic on narrow country lanes is a significant concern, with potential safety risks for pedestrians and local residents.
 - **Scepticism Towards Developers:**
 - Some comments express distrust towards the developers, questioning their transparency and intentions, particularly regarding the transformation of the golf club into a 'resort hotel'.

Mixed Views:

- While some support the overall development, they also raise specific concerns that need addressing, such as ensuring minimal light pollution and protecting private woodlands from public intrusion.

The Officer responses to public comments are considered within each section below as relevant.

13. Planning policies, guidance and legislation

- 13.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in dealing with an application for planning permission the authority shall have regard, so far as is material to the application, to the provisions of the development plan and any local finance considerations, and to any other material considerations.
- 13.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 13.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, 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.
- 13.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 13.5 The Development Plan for the application site comprises the Mendip District Local Plan Part I: Strategy and Policies (December 2014) "LP1", Mendip District Local Plan Part II: Sites & Policies (2021) (post JR version) "LP2", the Somerset Minerals Plan 2030 and the Somerset Waste Core Strategy 2028.
- 13.6 Following the adoption of LPP2 in December 2021 the Plan was the subject of a successful legal challenge in respect of the allocation of certain sites. The remainder of LPP2 is not affected. The High Court ordered the deletion of five site allocations and required that the Council review and reconsider allocations to meet the district wide requirement for 505 dwellings in accordance with Core Policies 1 and 2 of LPP1 and in light of the review to prepare and publish modifications to LPP2 which allocate sites and submit these for examination. The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State on 30th September 2024. Examination is anticipated in the first half of 2025. The remainder of LPP2 continues to have effect.

13.7 Somerset's Local Development Scheme (October 2023) sets out a programme for the new Local Plan with the draft document to be submitted for Examination in March 2027 and adoption in March 2028 i.e. beyond the timeframes set out in Policy LP1.

14. Local Plan policies relevant to the determination of this application.

The development plan

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) "LP1"
- Mendip District Local Plan Part II: Sites & Policies (2021) (post JR version) "LP2"
- Somerset Minerals Plan 2030
- Somerset Waste Core Strategy 2028

Relevant policies

LP1: Core policies

- CP1: Mendip Spatial Strategy
- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities

LP1: Development policies

- 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: Highways Impact of New Development
- DP10: Parking Standards
- DP16: Open Space and Green Infrastructure
- DP17: Safeguarding Community Facilities
- DP19: Development Contributions
- DP23: Managing Flood Risk

Other material considerations (without limitation)

Supplementary Planning Documents

- Mendip Design and Amenity of New Development SPD

Other relevant local documents

- Mendip District Council Assessment of Special Landscape Features November 2012
- Net Zero Carbon Toolkit July 2021
- Landscape Character Assessment 2020
- Somerset Placemaking Principles 2024

National policy and guidance

- National Planning Policy Framework (NPPF – December 2024)
- National Planning Practice Guidance (NPPG)
- National Design Guide
- National Policy Statements
- Written Ministerial Statements

15. Assessment of the application against the Development Plan

- 15.1 To properly perform the S38(6) duty the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether the proposal accords with the plan. In these circumstances, the Officer Report should determine the relative importance of each relevant policy, and the extent to which the application complies with the relevant policies.
- 15.2 Furthermore, the relevance of and weight given to material considerations is vitally important in assessing the 'planning balance'.
- 15.3 The general requirement of Paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan, unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the requirements of the development plan.
- 15.4 This report assesses policy compliance, reasons for non-accordance, the material planning considerations and the representations before reaching a conclusion.

16. Community Infrastructure Levy

No CIL charging regime has been adopted in the East area of Somerset.

17. Assessment of relevant issues

- 17.1 The key planning considerations relevant to this proposal are considered to be as follows:
- The development site is an established golf course currently open as a business and includes a clubhouse and various ancillary buildings.
 - The proposals seek to retain the golf course and to introduce further sports facilities, holiday accommodation and new maintenance facility.
 - The site is located outside local plan settlement limits.
 - The local plan (Policy CP3) may allow for economic development outside of settlement limits where it accords with the principles set out in Core Policy 4.
 - Local plan Policy CP3 also provides general support for proposals which extend the attraction of the area to visitors.
 - Local plan Policy CP4 also offers support for viable schemes which extend the range of community infrastructure allowing local people to secure more of their everyday needs locally.

- Existing community facilities and commercial premises, are to be protected in line with local plan policies DP17 and in rural areas, CP4.

18. Principle of the use: Core policies

- 18.1 The development site is an operational golf course with a clubhouse and ancillary buildings. The proposal includes new sports facilities (mini golf, children's play park, outdoor gym, padel tennis, and pickleball courts), holiday accommodation (cabins and lodges), and a new maintenance facility. Part of the 9-hole course would be used for holiday cabins.
- 18.2 The site is in open countryside. Local plan policy CP1 directs most development to principal settlements but allows exceptions in open countryside if they benefit economic activity or extend local facilities.

Policy Compliance:

- **CP1:** Permits development in open countryside if it benefits economic activity or extends local facilities.
 - **CP3:** Supports economic development aligned with the spatial strategy and tourism.
 - **CP4:** Supports rural business expansion, diversification, and community infrastructure.
- 18.3 In addition, an assessment of the suitability of location and constraints is required.
- 18.4 The proposed development would bring economic activity through the construction phase and operational phase. During construction this would largely relate to jobs and the supply of materials. During operation, the lodges and cabins accommodation would bring tourists to the site, who would be likely to spend money in the local area. The increased range of sporting facilities would also result in economic activity, through spending on using the facilities, associated sporting equipment and coaching. There would also likely be linked additional spending in the clubhouse as well as visits to the clubhouse facilities that are independent of the use of the sporting facilities.
- 18.5 The new sporting facilities and clubhouse facilities would extend the range of local facilities and would support tourism. The site is located within cycling distance of Farrington Gurney, Paulton, Midsomer Norton and Radstock.
- 18.6 The holiday accommodation would need to be secured as holiday accommodation only through condition so that it cannot be used as any other form of residential accommodation as the application has been assessed on the basis of holiday accommodation. Other forms of residential accommodation have not been assessed but are unlikely to be acceptable for this location.
- 18.7 The development, in the context of its constraints, as discussed in the remainder of this report, is considered acceptable and compliant with CP1, CP3 and CP4.

Identity and distinctiveness: DP1

- 18.8 Policy DP1 requires that all development proposals contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. Proposals should be formulated with an appreciation of the built and natural context of their locality recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity.
- 18.9 The proposed development would introduce some significant new forms of development including the maintenance hub, several new sports courts and a number of holiday accommodation units. The sports courts and facilities located around the clubhouse would be seen within context of the existing clubhouse and associated buildings and car parking and would be read as part of this cluster of development. While this would represent an intensification, it is considered an acceptable level of intensification, given the distance of separation between the golf course and other settlements or properties.
- 18.10 The holiday accommodation is considered to be well-screened by existing and proposed trees and other soft landscaping and would not significantly alter the prevailing character of the site.
- 18.11 The new maintenance hub is considered to be the most significant impact on the identity and distinctiveness of the site, as it is located away from the main cluster of development and does not benefit from the level of existing and proposed landscaping as around the holiday accommodation areas. The maintenance hub would have some screening from new landscaping but would still be fairly prominent. The building impact would be curtailed through the use of a green roof and natural stone cladding.
- 18.12 Overall, it is considered that the proposed development would maintain the identity and distinctiveness of the area.
- 18.13 Public rights of way pass through the site and they are considered relevant to this application. These are dealt with in the transport section.
- 18.14 The proposed development is therefore considered to comply with Policy DP1.

Heritage assets: DP3

- 18.15 The application is supported by a heritage statement carried out by suitably qualified and experience professionals. The below information has been drawn from the heritage statement.
- 18.16 Farrington Park golf course was established in 1989-1990, with buildings converted from a former farmhouse and agricultural structures. The application site includes remnants of historic field boundaries and a cluster of much-altered Victorian farm buildings. The landscape retains some historic interest due to these features but in general the heritage interest is limited.
- 18.17 Outside the application site, but within Farrington Park, lies part of the grade II registered park and garden, Ston Easton Park. The significance of the park is part of

a designed landscape influenced by Humphrey Repton in the late 18th century. The area adjacent to the subject site is of lower significance compared to the core areas around Ston Easton House as its historical features have been eroded previously

- 18.18 The grade I listed Ston Easton House lies approximately 500 meters southwest of the application site. Its significance is derived from its architectural style as a Palladian country house with significant architectural and historic interest, particularly its richly decorated interior and designed landscape.
- 18.19 The grade II* listed Church of St Mary the Virgin is located about 1 km southwest of the application site. Its significance is derived from its architectural and historical interest as a 15th-century church with picturesque views forming part of the designed landscape of Ston Easton Park.
- 18.20 There is a bowl barrow (scheduled monument) located to the southwest of the subject site, near the A37. This is a well-preserved prehistoric barrow, visually distinctive in the landscape.
- 18.21 There are various grade II listed buildings, located in Ston Easton and Farrington Gurney, including the Church of St John the Baptist and Manor Farm, contributing to the historic character of the area.
- 18.22 The overall significance of the identified heritage assets is assessed as follows:
- Archaeological Interest: Low, due to previous groundworks for the golf course.
 - Architectural and Artistic Interest: Low, with the exception of the nearby listed buildings and designed landscapes.
 - Historic Interest: Low to medium, primarily due to the survival of historic field boundaries and the association with Ston Easton Park.
- 18.23 The impact of the proposed development is assessed as follows:
- Minimal to Negligible Impact: On the settings of the grade II registered park and garden, Ston Easton Park and other nearby heritage assets.
 - Neutral to Positive Impact: Enhanced landscaping and native planting will likely improve the visual integration of the new facilities within the landscape.
 - No Harm to Heritage Assets: The proposals are designed to be visually discreet, with enhanced planting and low-level lighting to minimise any potential adverse effects.
- 18.24 The Council's Conservation Officer has responded stating that she does not object to the application, subject to conditions concerning materials, joinery, rainwater goods, ducts and pipes, in the interests of the character and appearance of the area. The condition regarding materials is considered necessary to make the application acceptable and it is therefore proposed that these are imposed should permission be granted. Details of joinery and rainwater goods are not considered necessary due to the locations of the accommodation in relation to heritage assets.
- 18.25 Overall, the proposed development is considered to result in no heritage harm and as such complies with Policy DP3.

Landscape: DP4

- 18.26 A landscape and visual appraisal has been submitted with the application, carried out by suitably qualified and experienced professionals. The following is drawn from the appraisal.
- 18.27 The Mendip Hills National Landscape (formerly Area of Outstanding Natural Beauty), is located 2.5 km west of the site, with limited visibility due to intervening landform and vegetation.
- 18.28 The landscape character of the wider area is described, noting that the site falls within the Bristol, Avon Valleys, and Ridges National Character Area. This area is characterised by ridges, valleys, and a mix of farmland and woodland. Local character areas include the Ston Easton Plateau and surrounding areas with open views and historic parkland.
- 18.29 The visual baseline section discusses the Zone of Theoretical Visibility (ZTV), which extends up to 5 km, with limited visibility beyond 2.5 km. Nine representative viewpoints were selected to assess visual impacts.
- 18.30 Mitigation measures, include siting, design, choice of materials and additional planting to minimise adverse effects.
- 18.31 The landscape sensitivity of the wider landscape is considered of medium sensitivity, while the site itself has low-medium sensitivity. The effects are assessed as minor adverse during construction, negligible adverse on completion, and neutral in the long-term.
- 18.32 The visual sensitivity and effects section evaluates views from public rights of way (PROW) and private properties, with varying levels of sensitivity. The visual effects are generally minor to moderate adverse during construction, reducing to negligible or neutral in the long term.
- 18.33 In summary, the proposed development is expected to have limited adverse effects on landscape and visual amenity, with significant mitigation measures in place to minimise impacts.
- 18.34 The Council's Landscape and Green Infrastructure Officer has reviewed the application. There is no landscape objection in principle, but some concerns were raised, relating to materials, which have been addressed.
- 18.35 The Council's Landscape and Green Infrastructure Officer considers that the LVIA provides a fair assessment of the visual impact. PROW CL19/3 will see significant changes, but these may not be negative once trees mature. Other PROWs will experience less impact. The maintenance hub, though visually prominent, will have reduced impact due to natural stone walling and a green roof. Changes to the recreation area and clubhouse will have minimal impact on the landscape.
- 18.36 On the basis of the comments from the Council's Landscape and Green Infrastructure Officer, and in the light of the findings of the landscape appraisal, it is considered that subject the proposed landscaping being secured, along with future maintenance, the proposed development would comply with DP4.

Ecology: DP5 & DP6

18.37 The submission includes a number of ecology-related documents, as follows:

- Habitats Regulations Assessment (Screening)
- Preliminary Ecological Appraisal Report
- Ecological Impact Assessment
- Biodiversity Net Gain Statement
- Construction Ecological Management Plan.

19. Habitats Regulations Assessment

19.1 A stage 1/screening HRA was carried out because two European protected sites were identified within 10km of the proposed works. These are the North Somerset and Mendip Bats Special Area of Conservation (SAC) and the Mells Valley SAC, which are designated for their significant populations of greater and lesser horseshoe bats.

19.2 However, the screening concluded that no habitat qualifying features for the two SAC will be affected by the proposed development due to the distance from Mells Valley SAC at 6.5km and North Somerset and Mendip Bats SAC at 8.5km therefore no significant effects are likely to occur to either SAC or its features of interest.

Preliminary Ecological Appraisal Report & Ecological Impact Assessment

19.3 The headlines from these reports are that both the construction and post development impacts are considered to be low, with landscape change being minimal and mostly restricted to areas of ecologically lower quality grassland, with retention of higher value habitats. Post development landscaping and management adds significant ecological value. Overall, it is considered that the proposals will have a very limited negative effect but have the potential to have a much greater beneficial outcome for biodiversity and protected species.

BNG statement

19.4 This confirms that the equivalent to an on-site net change of +16.31% (6.81 habitat units) and +113.03% (2.20 hedgerow units) can be achieved as part of the proposals. The submission and approval of a biodiversity gain plan would be secured through the national deemed net gain condition and the landscape and ecological management plan (LEMP). Due to the extensiveness of the LEMP, this would need to be a planning obligation rather than a condition.

19.5 The Council's Ecologist concludes that the proposals will result in no Likely Significant Effect on Mells Valley SAC or North Somerset and Mendip Bats SAC subject to conditions relating to compliance with the submitted construction ecological management plan, external lighting, tree protection, badger surveys, vegetation clearance timing, groundwork clearance and landscape ecological management plan.

19.6 Natural England has been consulted but has not responded.

- 19.7 Based on the above, the proposed development is considered to comply with policies DP5 & DP6 and with national requirements concerning protected species and habitats and biodiversity net gain.

Design & Amenity: DP7

- 19.8 Policy DP7 covers a range of design, amenity and sustainability issues.

20 Sustainability

- 20.1 The design and access statement includes references to sustainability in design and sustainable transport but there is no detail of this within the submission. DP7 requires proposals to *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 or recycle waste. The policy also requires use locally sourced or recycled materials wherever practically possible and undertake construction in a manner that makes efficient use of materials and minimises waste.
- 20.2 While information on the above is not available in the submission, the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- 20.3 Therefore, it is considered appropriate that conditions requiring the submission and approval of a sustainability strategy statement and construction management are necessary and reasonable.

21 Design

- 21.1 As set out in the landscape section, the impact of the proposed development on landscape is considered limited in longer distance views, due to existing and proposed screening. Public rights of way would however mean that the cabins, lodges and maintenance hub would be publicly visible from fairly close quarters. The design of the cabins, the lodges and the maintenance is considered to be contextually appropriate through the use of dark timber cladding, natural stone cladding and green roofs. While the designs are contemporary, none of these buildings would be read alongside existing development, and therefore the contemporary designs are considered acceptable. While the introduction of the additional courts and ancillary structures in the clubhouse area would increase the amount of development in this area, it is considered that these can be accommodated without adverse impact on the character and appearance of the area.

22 Amenity

- 22.1 Concerns have been expressed about the amenity impacts of the proposed development on an existing residential property known as North Lawn, located to the south of the site. These concerns have been summarised above but broadly

relate to increased noise from users of the cabins, noise from cars from arrivals and departures from the cabins, noise occurring during additional times, such as earlier in the morning and later in the evening, light spill from the cabins and new courts.

- 22.2 Officer opinion is that there would be no undue harm to residential amenity on North Lawn, due to the separation distance and proposed bund between the proposed development and North Lawn. North Lawn (the dwelling) lies approximately 208m from the location of the closest cabin. Between the dwelling and the golf course, there is also a band of trees. With the addition of the proposed bund, the residential amenity of North Lawn is considered to be sufficiently protected.
- 22.3 Concerns have also been raised with regard to Country Ways, located to the north of the proposed maintenance hub. Initial comments regarding privacy as well and design appear to have been addressed through the maintenance hub being moved in amended plans. However, concerns over drainage remain. As the LLFA is now satisfied that surface water drainage is acceptable subject to conditions regarding a sustainable surface water drainage scheme, including measures to control and attenuate surface water, which would be subject to LLFA approval, it is considered this matter should not prevent planning permission being granted.
- 22.4 The impact of the proposed development more generally would be limited through conditions on construction management and deliveries.
- 22.5 The site is located in a rural area. Light spill therefore requires some control. There will be control on lighting with regard to ecology, but lighting should also be controlled in order to keep skies dark. Light spill could be controlled and minimised through selecting suitable luminaires. A condition requiring the submission and approval of a lighting strategy would be required to achieve this.

23 Environmental protection

23.1 Policy DP8 states:

“Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on:

- *ambient noise levels;*
- *air quality;*
- *the quality of water resources, whether surface river or groundwater;*
- *biodiversity;*
- *light pollution;*
- *land quality and ground stability;*
- *residential amenity; and*
- *public health and safety.”*

23.2 Policy DP8 has requires particular attention to be given to light, noise, contamination and sewage treatments works.

- *“Development proposals, particularly those in a rural setting and especially those in designated Areas of Outstanding Natural Beauty (AONBs), should make all reasonable efforts to minimise noise and light pollution impacts.”*

- *“Development proposals which are on or adjacent to land which may have been subject to contamination or impact from existing sources of noise will need to demonstrate that measures can be taken effectively to mitigate the impacts on public health, environmental quality, the built environment and amenity. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use. Appropriate mitigation and remediation will be secured through planning conditions on the development.”*

23.3 Issues in Policy DP8 of relevance to this application (light pollution, biodiversity and residential amenity have been dealt with separately.

23.4 The proposed development is therefore considered to comply with DP8.

24 Transport impact & parking

24.1 The application is supported by a Transport Assessment which considers the potential traffic and parking impact of the proposed land use changes at the golf club and a framework Travel Plan, which aims to make travel to and from the site as sustainable as it can be.

24.2 Access to the site will continue to be provided along Marsh Lane. Marsh Lane was considered acceptable to serve the consented 2019 permission (reference: 2018/0577/FUL).

24.3 The internal access road will be extended to provide access to the relocated maintenance hub. This will be provided via a priority junction with the existing internal access road to the north of the Site and close to the access off Marsh Lane.

24.4 In addition to the existing car parking arrangements, a total of 89 car parking spaces are proposed at the site. 46 of these would serve the new accommodation and recreation facilities (including 4 accessible parking spaces close to the accommodation). The spaces would be located adjacent to the existing car park, so that the areas around the accommodation would be largely free of cars but would be accessible for pick up and drop off. 43 car parking spaces would be located around the maintenance hub, to serve employees for the whole site. 2 of these spaces would be accessible.

24.5 Notwithstanding the details provided in the submission, 9 spaces would be for EVs, and these would be secured through condition, in line with the Somerset EV Strategy 2020.

24.6 The Transport Assessment and Travel Plan state that a cycle hub would be located within a central position. The site is considered to be within cycling distance of Farrington Gurney, Paulton, Midsomer Norton and Radstock. However, to maximise the likelihood that guests will travel to these destinations and other attractions in the area by bicycle, it is considered reasonable and necessary for an electric bike rental scheme to also be delivered as part of the proposed development, in line with policy DP7. Details of this and its delivery would therefore be secured through condition.

24.7 The application has been assessed by Somerset Highways as having no detrimental impact on the highway network within Somerset. The application site is

close to the administrative area of Bath & North East Somerset and therefore B&NES has also been consulted. The B&NES Highway Authority agrees with the conclusions in the Transport Assessment that the development proposal is unlikely to be a material impact on the operation of the A362 or A37 through Farrington Gurney.

- 24.8 B&NES Highway Authority also confirms that *“The width of Marsh Lane is limited at certain points, however, site visit observations confirm that it is possible for cars to pass along much of the route and there are no significant safety concerns. There is no record of any personal injury traffic accidents along the road. Any potential widening of the lane, or formalised passing bays, is only likely to increase traffic speeds, and that would be inappropriate in this type of location.”* The B&NES Highway Authority further notes that delivery vehicles would access the site but this is currently the case and the proposals would be unlikely to significantly change this. They recommend that delivery vehicles are restricted to hours other than peak times through a condition. Conditions regarding construction management and a Travel Plan are also recommended.
- 24.9 Two public rights of way pass through the site (CL19/3 and CL19/4). CL19/3 passes through the area proposed for the cabins. CL19/4 passes along the main access road, through the clubhouse area and south through the golf course.
- 24.10 The introduction of new buildings and other facilities around the site, as well as its intensified use, is considered likely to make wayfinding along CL19/3 and CL19/4 more challenging. It is therefore considered reasonable and necessary for a scheme of wayfinding throughout the site to be required and this could be secured through condition. The comments of the PROW team regarding the potential creation of a bridleway are noted. However this would be considered a betterment that is not necessary to make the development acceptable in planning terms and therefore this could not be secured through a condition or planning obligation. That said, the developer would be welcome to implement such a scheme through separate discussions with the PROW team.
- 24.11 The proposed development is therefore considered to comply with policies CP9 & CP10.

25 Open Space and Green Infrastructure

- 25.1 Policy DP16 states that “development resulting in the loss of existing open, sport or recreational space, including allotments will not be permitted unless:
- i. It can be demonstrated that there is an excess of recreational or open space in the settlement and the proposed loss would not result in a current or likely shortfall during the plan period; or
 - ii. Suitable alternative recreational or open space, which is adjudged to be of equal or greater benefit to the community as compared with the space which is to be lost, is provided in an accessible location. If acceptable, such alternative provision will be required to be made available prior to the commencement of development.”
- 25.2 The supporting text to the policy also states that “The Council’s default position is that playing fields and other public open spaces are safeguarded from

development. However, opportunities and circumstances sometimes arise where development proposals do seek to make use of public open spaces and the wider community benefits may be worthwhile. In such circumstances, the Council will ensure that the overall estate of public open space is not diminished to a level where local standards are not met, or in a manner that means the accessibility of varied types of open space to the local community falls short of play strategy standards.”

- 25.3 The open spaces of which the Council is aware are shown on the Policies Map. Farrington Park is not recorded on the Policies Map as such a space.
- 25.4 However, while the site is not shown on the Policies Map, it is still considered to be within the remit of Policy DP16 as a sporting facility. Nevertheless, the proposed development aligns with the policy, for the following reasons.
- 25.5 While the proposed development would result in the loss of some open space currently used as part of the golf course (part of the nine-hole course would be used for holiday accommodation, and an area used as a practice area/open driving range), the additional sporting facilities (padel, pickleball, outdoor gym, family putting, children’s play park and cabana) is considered to diversify the sporting offer sufficiently to compensate for the loss of some of the existing open space. It is also noted that Sport England has been consulted and does not object to the proposals. Sport England and the Lawn Tennis Association (LTA) query the evidence of need for the number of pickleball courts and how this can be sustained. While no evidence has been offered by the applicant as to the need for this number of courts proposed, officer opinion is that this is primarily a matter for the applicant’s business plan and experience of the industry and while it would be a waste of resources if the facilities were not fully utilised, they could be converted into other sporting facilities with relatively little use of resources.
- 25.6 In summary, the proposed development would result in some loss of open space but this is considered to be compensated for through the diversification in the offer and as such complies with DP16.

26 Development Contributions

- 26.1 Contributions to infrastructure are not required for this development.

27 Managing Flood Risk

- 27.1 The application is supported by a flood risk and drainage strategy, which has been the subject of multiple amendments following liaison with the LLFA.
- 27.2 The sequential test as set out in DP23 and the NPPF requires that the risk of flooding from all sources is considered, as well as the vulnerability of the uses proposed.
- 27.3 Residential use is included within the proposals and this is classified as a ‘more vulnerable’ use.
- 27.4 The site is located within flood zone 1, which has the lowest risk of flooding from rivers and the sea. The site is also at low risk of flooding from surface water,

groundwater, reservoirs and sewers. Therefore, the sequential test is considered to have been passed.

- 27.5 In terms of managing surface water, this has been informed by infiltration testing across the site. For the maintenance hub, infiltration is not a viable method and therefore surface water is to be diverted to a branch of the Wellow Brook, with runoff rate restricted to greenfield levels.
- 27.6 For the 'eco cabins' and sports courts, infiltration is possible and therefore soakaways will be provided in these areas.
- 27.7 For the lodge accommodation, an area to the south of the lodges has been identified as suitable for infiltration, to take the form of a drainage basin.
- 27.8 The LLFA is satisfied that the above approach is appropriate, subject to conditions regarding a sustainable surface water drainage scheme, including measures to control and attenuate surface water and further infiltration testing.
- 27.9 The proposed development is therefore considered to comply with Policy DP23.

28 Conclusion on compliance with the Development Plan

- 28.1 The proposed development is considered to comply with the Development Plan as a whole.

29 Other material considerations

Best and most versatile agricultural land

- 29.1 NPPF Chapter 15 states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Best and most versatile agricultural land is defined as land classified as 1, 2 or 3a.
- 29.2 The site is split roughly 50-50 between 3a & 3b, with the proposed development all located within 3a, except for the maintenance facility, which has not been assessed at site level (Natural England mapping post-1988). Therefore the proposed development would lead to the loss of best and most versatile agricultural land but as this land is not currently in agricultural use and such a use is considered unlikely in the foreseeable future due to the current use of the site as a golf course, this is not considered to have any effect on the economic and other benefits of best and most versatile agricultural land and therefore does not alter the assessment of the scheme.

30 Overall recommendation

- 30.1 That, subject to the recommended conditions set out in this report and the prior completion of a S106 legal agreement to secure a Landscape and Ecological Management Plan and a Travel Plan, planning permission be GRANTED for the reasons set out in this report.

31 Environmental impact assessment

31.1 As set out above, this development is not considered, at this time, to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

32 Equalities Act

32.1 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.

33 Human Rights Act

33.1 The proposed development has been assessed to ensure compliance with the Human Rights Act 1998, particularly in relation to the right to respect for private and family life under Article 8, in particular to ensure that it does not infringe upon the privacy of individuals. Measures have been incorporated into the design to minimise any potential impact on the privacy of neighbouring properties, including appropriate screening.

34 Recommendation

34.1 Approval.

35 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 permission.

2. Plans List (Compliance)

This decision relates to the following drawings:

- o AP044 B
- o AP043 B
- o 3679-TLP-XX-XX-DR-L-10001 P04,
- o 3679-TLP-XX-XX-DR-L-10004 P06,
- o 3679-TLP-XX-XX-DR-L-10005 P06,
- o 3679-TLP-XX-XX-DR-L-10003 P04,
- o 3679-TLP-XX-XX-DR-L-10004 P03,
- o 3679-TLP-XX-XX-DR-L-50001 P01,
- o 3679-TLP-XX-XX-DR-L-50002 P01
- o AP006 AP2
- o AP007 AP2
- o AP008 AP2
- o AP009 AP2
- o AP0010 AP2

- o AP0011 AP2
- o AP0012 AP2
- o AP0013 AP2
- o AP0014 AP2
- o AP0015 AP2
- o AP0016 AP2
- o AP0017 AP2
- o AP0018 AP2
- o AP0019 AP2
- o AP0020 AP2
- o AP0022 AP2
- o JUB-ZZ-XX-DR-C-0500
- o JUB-MH-XX-DR-C-0100 S2 P02
- o JUB-EC-XX-DR-C-0100 S2 P02
- o JUB-EC-XX-DR-C-0100 S2 P02
- o AP053
- o AP055
- o AP006
- o AP049
- o AP022
- o JUB-EC-XX-DR-C-0500 P01
- o JUB-FSA-XX-DR-C-0500 P01
- o JUB-MH-XX-DR-C-0500 P01
- o JUB-PS-XX-DR-C-0500 P01
- o JUB-ZZ-XX-DR-C-0500 P01
- o 010 REV 01 EXISTING SITE PLAN - CLUBHOUSE
- o 011 REV 01 EXISTING CLUBHOUSE GF
- o 012 REV 01 EXISTING VENUE BUILDING
- o 013 REV 01 EXISTING RANGE BUILDING
- o 021 EXISTING CLUBHOUSE ROOF PLAN
- o 022 EXISTING FARMHOUSE ROOF PLAN
- o 030 REV 01 EXISTING CLUBHOUSE ELEVATIONS A
- o 031 REV 01 EXISTING CLUBHOUSE ELEVATIONS
- o 031 REV 01 EXG CHANGING ROOM ELEVATIONS
- o 032 02 EXG CHANGING ROOM ELEVATIONS
- o 033 03 EX DRIVING RANGE ELEVATIONS
- o 304 03 EX DRIVING RANGE ELEVATIONS
- o 100 06 PROPOSED SITE PLAN - CLUBHOUSE
- o 101 04 PROPOSED CLUBHOUSE GF
- o 103 07 PROPOSED DRIVING RANGE BUILDING
- o 111 00 PROPOSED CLUBHOUSE FF
- o 032 REV 02 PROPOSED CLUBHOUSE ROOF PLAN
- o 121 01 PROPOSED CLUBHOUSE ROOF PLAN
- o 123 01 PRO DRIVING RANGE BUILDING ROOF PLAN
- o 300 01 PROPOSED CLUBHOUSE ELEVATIONS
- o 300 01 PROPOSED CLUBHOUSE ELEVATIONS
- o 301 02 PROP CLUBHOUSE ELEVATIONS
- o 301 02 PROPOSED CLUBHOUSE ELE COLOURED
- o 302 02 WEDDING VENUE ELEVATIONS COLOUR-COMPRESSED
- o 302-02 PROPOSED VENUE ELEVATIONS

- o 303-03 PRO DRIVING RANGE ELE COLOUR
- o 303-03 PRO DRIVING RANGE ELEVATIONS
- o 304-03 PRO RANGE ELEVATIONS COLOUR
- o 304-03 PRO DRIVING RANGE ELE
- o 3679-TLP-XX-XX-DR-L-10003 P04 LANDSCAPE GENERAL ARRANGEMENT FARM LODGE ACCOMODATION
- o 3679-TLP-XX-XX-DR-L-10004 P03 LANDSCAPE GENERAL ARRANGEMENT RECREATION AND CLUBHOUSE
- o 3679-TLP-XX-XX-DR-L-50001 P01 LANDSCAPE DETAILS 1 OF 2
- o 3679-TLP-XX-XX-DR-L-50002 P01 LANDSCAPE DETAILS 2 OF 2
- o 3679-TLP-XX-XX-SP-L-90001 P01 PLANT SCHEDULE
- o AP001 THE LOCATION PLAN
- o AP003 PROPOSED SITE PLAN - WHOLE SITE
- o AP004 PROPOSED SITE PLAN - LODGES
- o AP005 LODGES - LAYOUT PLAN AND SECTION
- o AP022 INDOOR PICKLEBALL - FLOOR LAYOUT
- o AP023 INDOOR PICKLEBALL - PROPOSED EAST AND WEST ELEVATIONS
- o AP024 INDOOR PICKLEBALL - PROPOSED NORTH AND SOUTH ELEVATIONS
- o AP025 INDOOR PICKLEBALL - PROPOSED ORTHOGRAPHIC VIEW
- o AP026 PADEL TENNIS - FLOOR PLANS AND ELEVATIONS
- o AP027 PROPOSED SITE PLAN - SPORT HUB
- o AP028 PROPOSED SITE LAYOUT - SPORTS HUB
- o AP030 NOKKEN CABIN - FLOOR LAYOUT
- o AP031 NOKKEN CABIN - ELEVATIONS
- o AP034 NOKKEN CABIN - 4 UNIT - FLOOR LAYOUT
- o AP035 NOKKEN CABIN - 4 UNIT - ELEVATIONS
- o AP036 NOKKEN CABIN - 4 UNIT - 3D VIEW A
- o AP037 NOKKEN CABIN - 4 UNIT - 3D VIEW B
- o AP038 NOKKEN CABIN - 4 UNIT - 3D VIEW C
- o AP039 PROPOSED SITE PLAN - ECO CABINS
- o AP040 PROPOSED LAYOUT
- o AP042 PROPOSED SITE SECTIONS - ECO CABINS
- o AP045 MAINTENANCE HUB FLOOR LAYOUT - LOWER GROUND FLOOR
- o AP046 MAINTENANCE HUB FLOOR LAYOUT - GROUND FLOOR-PLANNING
- o AP047 MAINTENANCE HUB PROPOSED ELEVATIONS - NORTH AND WEST
- o AP048 MAINTENANCE HUB PROPOSED ELEVATIONS - SOUTH AND EAST
- o AP051 GREENKEEPERS UNIT - FLOOR LAYOUT - GROUND FLOOR
- o AP052 GREENKEEPERS UNIT - FLOOR LAYOUT - MEZZANINE FLOOR
- o AP054 GREENKEEPERS UNIT - PROPOSED ELEVATIONS - SOUTH AND EAST
- o AP057 COVERED PADEL TENNIS - FLOOR LAYOUT AND ROOF PLANS
- o AP058 COVERED PADEL TENNIS - NORTH AND SOUTH ELEVATIONS
- o AP059 COVERED PADEL TENNIS - EAST AND WEST ELEVATIONS
- o AP061 CABANA - FLOOR PLANS AND ELEVATIONS
- o PROPOSED SITE LAYOUT
- o ARBORICULTURAL REPORT REV A
- o ARTIFICIAL LIGHTING ENVIRONMENTAL IMPACT ASSESSMENT
- o ADDENDUM
- o CONSTRUCTION ECOLOGICAL MANAGEMENT PLAN NOVEMBER 2024

- o ECOLOGICAL IMPACT ASSESSMENT NOVEMBER 2024
- o FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY P7 NOVEMBER 2024

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

3. Sustainability Strategy Statement (Pre-commencement)

No development shall take place until a Sustainability Strategy Statement ('SSS') has been submitted to the Local Planning Authority and approved in writing. The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy generation on site, water efficiency measures and waste minimisation. The development hereby permitted shall be undertaken in accordance with the SSS, which shall thereafter be maintained as such.

Reason: To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022). This is a condition precedent because the LPA must be satisfied that opportunities for sustainability measures have been maximised prior commencement, in line with DP7.

4. Surface Water Drainage System (Pre-commencement)

No development shall be commenced until details of the sustainable surface water drainage scheme for the site, based on the Flood Risk Assessment and Drainage Strategy P7 November 2024 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to control and attenuate surface water and once approved the scheme shall be implemented in accordance with the approved details and maintained at all times thereafter unless agreed otherwise in writing by the Local Planning Authority. This shall include but not be limited to:

- Infiltration testing, detailed design and construction in accordance with Building Research Digest 365 for a infiltration locations which have not already been tested. Infiltration features must be located more than 5m from building and road foundations and there must be a minimum of 1m between the base of any infiltration feature and maximum ground water level. Including calculations that demonstrate that the half-drain time of any storage structures is less than 24 hours. If infiltration is shown as unviable after further testing, a suitable sustainable drainage scheme shall be shown.

- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels. Detailed groundwater monitoring undertaken for each infiltration location, including daily monitoring for at least one week between mid-November and mid-April, and the highest value taken.

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.

5. Lighting (Compliance)

All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Farrington Park Golf Course - Artificial Lighting Environmental Impact Assessment Addendum Buro Happold, December 2024) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and to reduce light spill and skyglow in a rural location, in accordance with Mendip District Council Local Plan Part 1 Policies DP5, DP6 and DP8.

6. Construction and Servicing Management Plan (Pre-commencement)

No development shall commence until a Construction and Servicing Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

- a. The working methods to be employed on site during the construction (and preparation associated with construction) of the site.
- b. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration.
- c. Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur.
- d. A map to identify which route(s) is to be used by construction vehicles to access the site.
- e. The parking of vehicles of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in constructing the development.
- h. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities.
- i. Delivery and construction working hours, which shall not permit:
noise generating activities outside of the following hours:
Mon - Fri 08:00-18:00
Sat 08:00 -13:00
All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.
- j. Servicing of the site which shall take place outside of peak hours (Mon - Fri 08:00-09:30 and 16:30-17:30).
- k. Surface water and pollution during the construction phase.

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

Reason: To minimise the effect of noise, odour and dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular Chapters 8 and 12. This is a condition precedent because the impacts identified above need to be understood at the earliest stage of development.

7. Security measures (Pre-occupation)

Prior to the occupation of the development hereby approved, a plan or plans showing details of security features including CCTV shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be undertaken in accordance with the approved plan(s), which shall thereafter be maintained

as such. **Reason:** To ensure that appropriate security measures are in place, to minimise the risk of crime, in accordance with policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Wayfinding scheme (Pre-commencement)]

Prior to the commencement of the development hereby approved, a plan or plans showing details of a scheme wayfinding along all public rights of way that pass through the development site shall be submitted to and approved in writing by the local planning authority, prior to the bringing into use of the development, and shall thereafter be maintained as such.

Reason: To ensure that public rights of way can be navigated with appropriate ease, in accordance with policies DP1 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. Badger Survey (Pre-commencement)

Prior to any vegetative clearance or groundworks commencing, a survey for badger setts shall be carried out by an experienced Ecologist. The results of these surveys shall be reported to the Local Planning Authority and subsequent actions or mitigation agreed in writing prior to the commencement of vegetative clearance or groundworks. Where a Natural England licence is required a copy will be submitted to the Local Planning Authority prior to works affecting the badger resting place commencing. All vegetative clearance and/or groundworks shall be carried out in accordance with the agreed actions or mitigation.

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

10. Bicycle Storage and Electric Bicycle Loan/Hire Scheme (Pre-occupation)

No occupation of the development shall commence until details of bicycle storage and an electric bicycle loan/hire scheme has been provided, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage and electric bicycle loan/hire scheme shall be retained permanently thereafter.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with Development Policies 7 and 9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. Ecological Clerk of Works Reporting (Pre-occupation)

Before occupation of the development, or at the end of the next available planting season, whichever is the later, a report prepared by the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and compensation measures identified in the approved Construction Ecological Management Plan November 2024, report number Q23- 3120 and approved Ecological Impact Assessment November 2024, have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional Ecologist following that approval.

Reason: To ensure that ecological mitigation measures are delivered, and that protected /priority species and habitats are safeguarded in accordance with the CEMP and that policy DP5 and DP6 of the Mendip Local Plan has been complied with.

12. Construction Environmental Management Plan (Ecology) (Compliance)

The development hereby approved shall be carried out in accordance with the approved Construction Ecological Management Plan November 2024, report number Q23- 3120.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed in Section 41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan.

13. 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 Core Policies 1, 3 and 4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. Soft Landscaping (Compliance)

All soft landscape works shall be carried out in accordance with the following approved landscape plans drawing numbers:

3679-TLP-XX-XX-DR-L-10001 P04,
3679-TLP-XX-XX-DR-L-10004 P06,
3679-TLP-XX-XX-DR-L-10005 P06,
3679-TLP-XX-XX-DR-L-10003 P04,
3679-TLP-XX-XX-DR-L-10004 P03,
3679-TLP-XX-XX-DR-L-50001 P01,
3679-TLP-XX-XX-DR-L-50002 P01.

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

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

15. Arboricultural Method Statement (Compliance)

The development hereby approved shall be carried out in full accordance with the

approved Arboricultural Method Statement and Tree Protection Plan (Rev A dated August 2024). All trees and hedgerow shall be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012. The habitats associated with Rush Hill Wood LWS and Wellow Brook Complex LWS will be subject to a 25m buffer and the semi-ancient woodland associated with Ston Easton Park Copse will be subject to a minimum 15m buffer, marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone.

Reason: In accordance with BS 5837:2012, the NPPF and UK Government guidance on Ancient woodland, ancient trees and veteran trees: protecting them from development 2018.

16. Reptile mitigation (Compliance)

Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October in any year under the supervision of competent Ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the Ecologist responsible.

Reason: In the interests of UK protected and priority species and in accordance with policy DP5 of the Mendip Local Plan.

17. Electric Vehicle Charging (Compliance)

The development hereby approved will not be brought into use until it is served by at least 9no. active electric vehicle charging points in line with the requirements set out in Somerset Council Electric Vehicle Charging Strategy 2020. Each active charging point must be at least 7kW, an untethered connection i.e., only a socket without a built-in cable, and capable of Mode 3 charging. Charging provision shall be retained permanently thereafter.

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Development Policy 7 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).

18. 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 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).

Informative notes

1. Positive, creative and pro-active working

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Framework by working in a positive, creative and pro-active way.

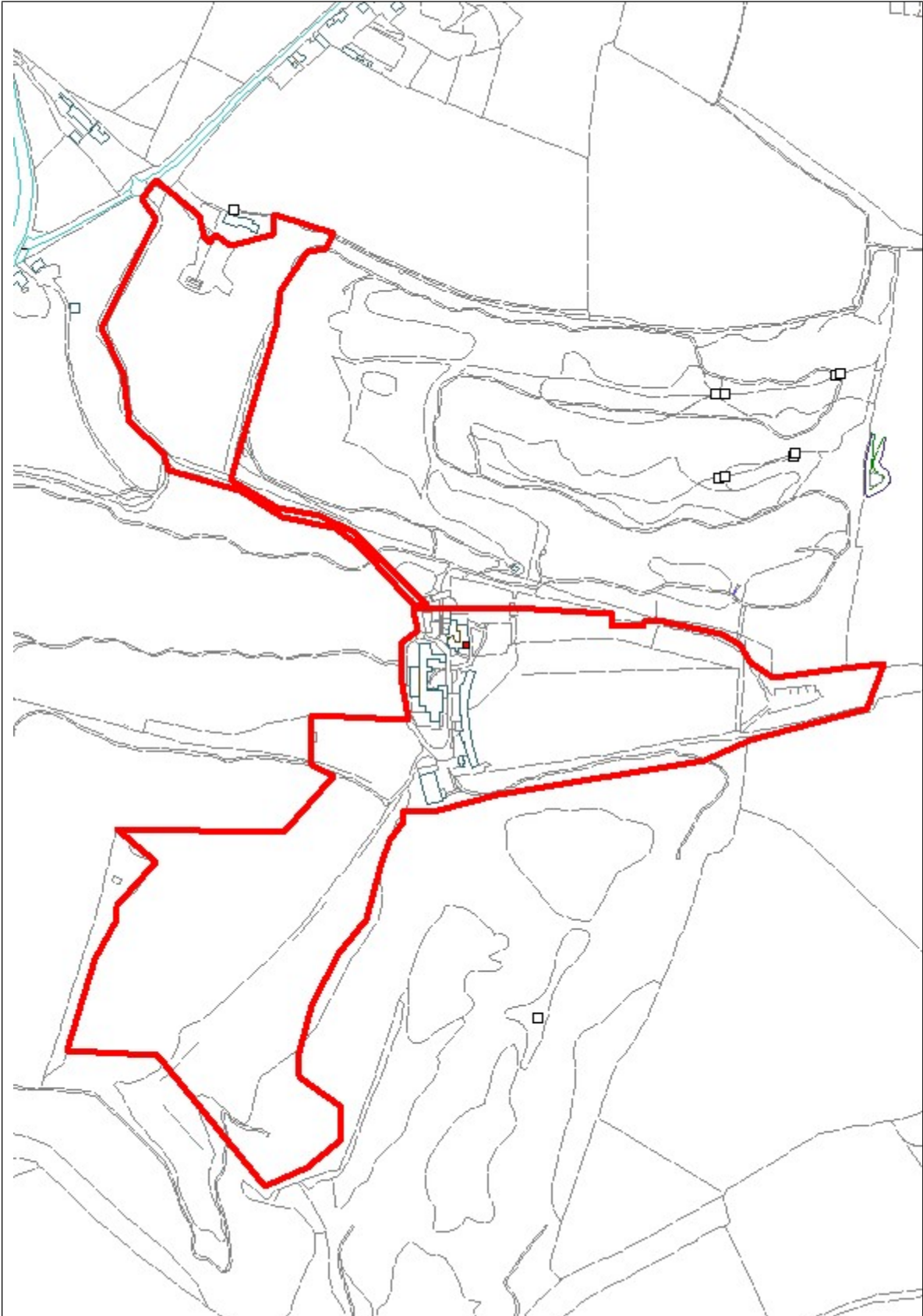
2. Legal Protection Afforded to Nesting Birds

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop immediately, and do not restart either until the young have fledged or advice is sought from a suitably qualified and experienced Ecologist at the earliest possible opportunity.

3. Public Rights of Ways

Development, insofar as it affects the rights of way must not be started, and the rights of way should be kept open for public use until any necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

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Planning Board Report 4th February 2025
Farrington Golf Club
Marsh Lane
Ston Easton
Wells
Somerset
BS39 6TS

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Application Details	
Application Reference Numbers:	2024/0407/FUL
Application Types:	Outline Application with all matters reserved except Access/Full application
Extension of Time:	
Description:	Installation of 12.12kWp Solar Photovoltaic to the roof.
Site Address:	The Lucky Chance, Portway, Frome
Parish:	FTC
Conservation Area:	Yes
Somerset Levels and Moors RAMSAR Catchment area:	No
AONB:	No
Case Officer:	Carlton Langford
Agent:	Ecovision Asset Management Ltd
Applicant:	Lucky Chance Planning
Reason for reporting application to Members:	Case Officer's recommendation to refuse differs from FTC support.

1. Recommendation

- 1.1 Refusal - The proposal fails to accord with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014), policy D2 - gateway site improvements of the Frome Neighbourhood Plan (2008-2028) and Policies within the National Planning Policy Framework (NPPF) to include Chapters 14 and 16.

2. Executive Summary of key reasons for recommendation

- 2.1 The proposal by reason of its scale and visual prominence on the southeast roof slope, will have a negative impact to the significance of the non-designated heritage asset (the Chapel) and to the conservation area, and a harmful impact a designated Gateway Site within Frome. Whilst there are private benefits associated with the proposal and modest environmental benefits in reducing carbon emissions and promoting sustainable development, there are no specific public benefits to be gained from the scheme. No evidence has been provided to suggest that the building is capable of supporting the additional weight of the panels and other associated internal elements. On balance the benefits of the scheme do not outweigh the harms identified.

2.2 Informatives:

- 1) In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 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 –

PV06634-INS-DG-GA-0005 ROOF PLAN
BA11-3969-PLN-A-001 PLANS AND ELEVATIONS
PV06634-INS-EL-LA-0004 ELECTRICAL WIRING SCHEMATIC

3. **Proposed development, Site and Surroundings**

Details of proposal

- 3.1 This application seeks full planning permission for the installation of 12.12kWp Solar Photovoltaic array to the roof.

Site and surroundings

- 3.2 This application relates to a Methodist Chapel situated within the Frome Conservation Area.

4. **Relevant Planning History**

- 4.1 None

5. **Consultation and Representations**

Consultees

Consultees	Consultee Comments (and Officer Comment)
Division Members	Cllr Collins - Surprised this PV needs permission Cllr Kay – Support
FTC	Support
Heritage and Conservation	Object to the principle of the introduction of solar panels in this location, due to the negative impact to the building itself and the wider conservation area.

Local consultation and representation

None

6. Relevant planning policies and Guidance

- a. Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- b. Relevant policies of the development plan in the assessment of this application are listed below.

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

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

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP7 – Design and Amenity of New Development

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- Policy D2 - Gateway site improvements: Developments that enhances the built environment of the gateway spaces identified in Figure 35, taking account of guidance in the Frome Town Design Statement (October 2015), will be supported.

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (Dec 2024)
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals

- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

7. Commentary on Development Plan

7.1 The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent examination on 30 September 2024. This has identified additional housing and employment sites and included further detailed policies (for example, development management policies, community space designations) to complement the strategic policies set out in the Local Plan Part I. It is anticipated the examination will take place in January 2025. As this limited update plan has not been examined it currently carries very little weight in the planning balance.

8. Material Planning Considerations

- 8.1 The main planning issues relevant in the assessment of this application are as follows:
- The impact of the solar panels on the character and appearance of the building within the Frome Conservation Area and designated Gateway Site within Frome.

Principle of Development

- 8.2 No issues in principle, the installation of solar arrays on domestic and non-domestic properties are generally seen as being acceptable subject to their visual impacts and impact on the setting of heritage assets.
- 8.3 In many cases PV panes are permitted development but for several reasons, the panels proposed, specifically being located on a prominent roof slope fronting a highway within a conservation are, they are not permitted.
- 8.4 Conditions attached to Class J – installation or alteration etc of solar equipment on non-domestic premises under the Town and Country Planning General Permitted Development Order 2015 requires that - the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area;”
- 8.5 To this end, whilst the development is acceptable in principle, the success of the application rests on its impact on the building itself within the Conservation Area.

Access and Highway Impacts

- 8.6 No change.

Design

- 8.7 The solar array will be located on a southeast facing roof slope and will be visible from the public realm (highway) and numerous neighbouring properties.
- 8.8 The Chapel is located very near one of the 5 'Gateway Sites' (Top of Vicarage Street) within the Frome Neighbourhood Plan which Policy D2 of the Plan seeks to improve.

New developments on these sites, or in close proximity to them, should ensure that they either take the opportunity to improve these areas in line with the principles in the Town Design Statement, or at the very least, do not frustrate any future opportunities to improve them."

- 8.9 The Chapel, is also, described as a 'positive building' within the Frome Conservation Area (boundary Character Area 3). The impact of the proposal on heritage assets are assessed in detail below.
- 8.10 The proposed equipment will impact on the external appearance of the building and the amenity of the area, an area which the Frome Neighbourhood Plan is seeking to improve first impressions for visitors visiting the Town.
- 8.11 No other practical solutions have been explored such as a ground mounted scheme within the curtilage of the building which would have a negligible impact on the setting of the area and the building itself.
- 8.12 The proposal by reason of its scale and prominent visual impact is unacceptable within context and fails to contribute positively to the area contrary to the provisions of Policies DP1 and DP7 of the LP and Policy D2 - Gateway site improvements of the Frome Neighbourhood Plan.

Ecology

- 8.13 None

Impact on Heritage Assets

- 8.14 There is a duty 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.
- 8.15 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 201 sets out that the local planning authority should identify and assess the particular significance of any

heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

- 8.16 Paragraphs 200 -210 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
- 8.17 The building was built in 1910 to be used as a Methodist chapel, by United Methodists. The building and its grounds have been intentionally included within the Conservation Area, with the boundary of character area 3 extending around its curtilage. It has also been highlighted as a positive building within the conservation area appraisal, as it makes a positive contribution to the character of the Conservation Area. This categorisation therefore means, this building is a non-designated heritage asset.
- 8.18 The Chapel sits in a prominent position on raised grounds along Portway Road (A362) in Frome. The front gardens located to the east of the site, in front of the row of terrace houses have been identified as a positive open space within the conservation area. As such the chapel, and the roof slope for which the panels are proposed is highly visible within the surrounding area.
- 8.19 An excessive number of panels are proposed here, that will cover the majority of this roof slope. Black panels are being proposed which will be clearly visible on the current slates and will be incongruous with the character of the building and the wider conservation area. Although the principle of increasing energy efficiency and the sustainability of historic buildings is supported, careful consideration is needed to ensure the measures do not negatively impact the significance of the heritage assets. Not every intervention is suitable for every building. Historic England advocates the Whole Building Approach where an understanding of the building within its context is used to inform and find a balanced solution that saves energy, sustains heritage significance, and maintains a comfortable and healthy indoor environment. More information can be found on their website - <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/>
- 8.20 No evidence has been provided within the application to show this approach has been taken, and other less impactful and harmful solutions have been thoroughly investigated, before solar panels have been proposed.
- 8.21 Furthermore, given the age of the building, no evidence has been provided to suggest the roof structure is capable of taking the weight of panels. Or if the loft void could maintain the weight of the inverter. The addition of a large number of panels without prior investigation could have a significant negative impact to the long-term condition of the historic building.
- 8.22 Paragraph 216 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or

indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.23 When taken as a whole, the addition of the solar panels will have a negative impact to the significance of the non-designated heritage asset and to the conservation area. There is no public benefit to be gained from the scheme, as the solar panels will only benefit the current occupier, this is a private benefit. No evidence has been provided to suggest other less impactful or harmful solutions have been investigated, and the building is capable of holding the additional weight of the panels and other associated internal elements. As such, when taken as a balance the benefits of the scheme do not outweigh the harm caused and the application should be refused.

Residential Amenity - Impacts on Existing and Future Residents

- 8.24 Unlikely to be any direct impact on neighbouring amenity such as glare from the panels.

9. Environmental Impact Assessment

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

10. Equalities Act

- 10.1 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.

11. Planning Balance and Conclusion

- 11.1 Having regard for the above, the proposal will have a negative impact to the significance of the non-designated heritage asset and to the conservation area. Whilst there are private benefits for the applicant, there is no public benefit to be gained from the scheme, no evidence has been provided to suggest other less impactful or harmful solutions have been investigated, and the building is capable of supporting the additional weight of the panels and other associated internal elements. As such, when taken as a balance the benefits of the scheme do not outweigh the harm caused and the application is recommended for refusal.

12. RECOMMENDATIONS

Recommendation:

- 12.1 The proposal by reason of its scale and visual prominence on the southeast roof slope, will have a negative impact to the significance of the non-designated heritage asset (the Chapel) and to the conservation area, and a harmful impact a designated Gateway Site within Frome. Whilst there are private benefits associated with the proposal and modest environmental benefits in reducing carbon emissions and promoting sustainable development, there are no specific public benefits to be gained from the scheme. No evidence has been provided to confirm that the building is capable of supporting the additional weight of the panels and other associated internal elements. On balance the benefits of the scheme do not outweigh the harms identified. The proposal fails to accord with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part I: Strategy and Policies (December 2014), policy D2 - gateway site improvements of the Frome Neighbourhood Plan (2008-2028) and Policies within the National Planning Policy Framework (NPPF) to include Chapters 14 and 16.

Informatives

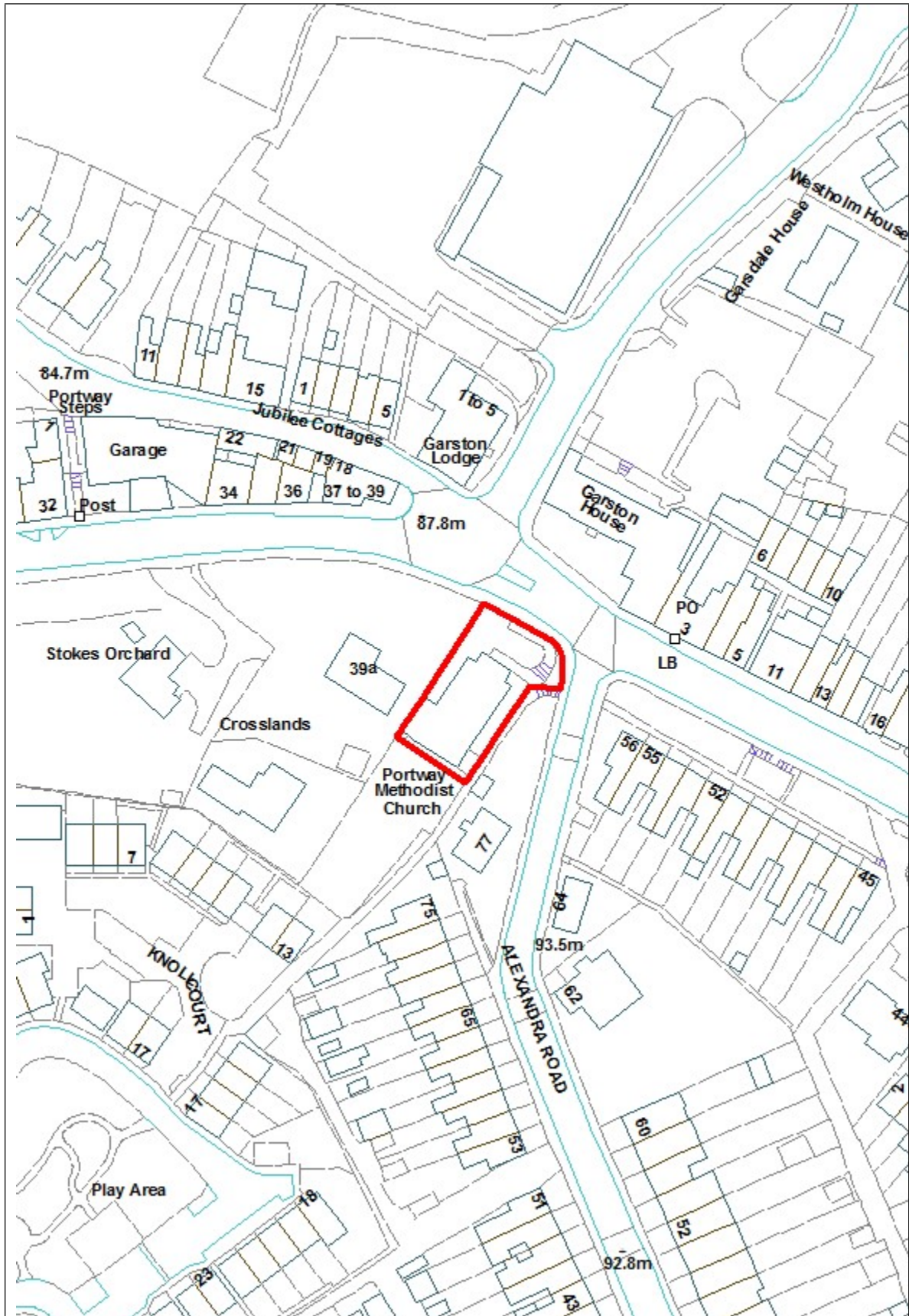
- 12.2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 39 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

This decision relates to drawings –

PV06634-INS-DG-GA-0005 ROOF PLAN

BA11-3969-PLN-A-001 PLANS AND ELEVATIONS

PV06634-INS-EL-LA-0004 ELECTRICAL WIRING SCHEMATIC



Planning Board Report 4th February 2025
The Lucky Chance
Portway
Frome
Somerset
BA11 1QR

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Planning East – Appeal Decisions Report

Please see below list of appeal decisions made by the Planning Inspectorate between 20th December 2024 and 17th January 2025. Details of each appeal follow the list.

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

Appeal 1

Application Reference	2023/2409/PAA
Site Address	Barn at Dark Lane, Upton Noble, Shepton Mallet
Applicant/Organisation	Mr & Mrs Riley
Application Type	Prior Approval
Proposal	Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	09.11.2025

Appeal 2

Application Reference	2024/0497/PIP
Site Address	Land South of St Brelades & The Laurels, Oldford Hill, Oldford, Frome
Applicant/Organisation	Solution Property
Application Type	Permission in Principle
Proposal	Permission in Principle for the erection of 3no two storey dwellinghouses.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Allowed
Appeal Decision Date	15.01.2025

Appeal 3

Application Reference	2023/2299/PAA
Site Address	Land at 377026 153330, Cherry Garden Lane, Laverton, Frome
Applicant/Organisation	Mr Alderman
Application Type	Prior Approval

Proposal	Convert an agricultural building to a dwelling.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	16.01.2025

Appeal 4

Application Reference	2023/2103/FUL
Site Address	Land at 4 The Mead, Rode, Frome
Applicant/Organisation	J & R Hill, Furlong Developments Ltd
Application Type	Full Planning Permission
Proposal	Erection of 2no. semi-detached houses.
Decision	Refusal (Delegated)
Appeal Decision	Appeal Dismissed
Appeal Decision Date	16.01.2025



Appeal Decision

Site visit made on 8 January 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3343560

The Barn, Near Wheelbrook House, Laverton, BA2 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr J Alderman against the decision of Somerset Council.
 - The application Ref is 2023/2299/PAA.
 - The development proposed is to convert an agricultural building to a dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development provided on the Council's decision notice in the banner heading above as it describes the development more accurately than that used on the original application form.
3. The Town and Country Planning (General Permitted Development) England (Amendment) Order 2024 (GPDO) came into force on 21 May 2024. Transitional arrangements apply to applications submitted under the previous iteration of the Order. Therefore, the changes do not affect my consideration of this appeal. Consequently, I have not invited further comments from the parties. I have referred to paragraph and section references from the GPDO prior to these amendments.

Background and Main Issue

4. Class Q of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
5. Under paragraph Q.1(a) of the GPDO, development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit:
 - (i) on 20 March 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

6. The Council considers that it has not been able to determine from the evidence submitted that the site was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, as required by paragraph Q.1(a) of the GPDO.
7. The main issue is therefore whether the proposed development would constitute permitted development in respect of Class Q of Part 3 of Schedule 2 of the GPDO with particular regard to the use of the site.

Reasons

8. The appeal site includes an existing barn which is accessed via a track leading off Cherry Garden Lane. The appeal site is located within a holding which was registered with Defra and allocated a Holding Number and Flock Number in 2006. A copy of the Holding Registration Document has been provided. The holding comprises an irregular shaped parcel of land, primarily to the west of the building. However, the existence of a holding registration does not in itself demonstrate agricultural use.
9. For the purposes of Part 3, paragraph X of the GPDO states that “agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses. Section 336 of the Town and Country Planning Act 1990 (as amended) states that “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.
10. The appellant has submitted evidence which seeks to demonstrate that the appeal site and building was in agricultural use on 20 March 2013. This includes a Statement of Truth from a joint owner of the land which explains that the land was purchased in 2003 and the building erected in 2004. The statement describes that thereafter sheep were acquired, and breeding of lambs commenced. From 2009 sheep belonging to others started to be taken in. It is stated that ‘in total there were 25 – 30 sheep present on site at any one time’. In 2020 the keeping of sheep ceased and since then the land has been let to a neighbour.
11. Additional evidence demonstrates that sheep have been present at the site at various dates throughout a period running from 2005 – 2020. None of the evidence provided specifically covers the date of 20 March 2013, however a movement document from 2011 shows that 17 sheep were moved onto the site and an invoice for shearing and hoof trimming for June 2014 demonstrates that at least 5 sheep were present at that time. On this basis the Council does not dispute that there were animals on the site on 20 March 2013. Although the evidence is not conclusive in terms of the total number of animals on the site at this time, I see no reason to come to a contrary view.
12. However, the GPDO makes it clear that in order to be considered as an agricultural building, for the purposes of Class Q, the appeal building must have been used for the purposes of a trade or business. Whilst reference has been made to breeding and taking in of sheep belonging to others, limited details of

these activities have been provided and it has not been shown that any goods or services were sold at that time. Although it is not in dispute that sheep were kept at the site, some of the evidence refers to the animals as 'pets' and it has not been demonstrated that the use of the building was ever more than a leisure or hobby use. Thus, it is not clear from the evidence provided whether any of the activities which took place at the site were related to any trade or business. I am therefore not satisfied that the building was used as an agricultural building, as defined in the GPDO.

13. Consequently, it has not been adequately demonstrated that the building is an agricultural building for the purposes of the GPDO or that the site was used solely for an agricultural use as part of an agricultural unit on 20 March 2013. The proposed development would therefore not comply with the provisions of Schedule 2, Part 3, Class Q of the GPDO.

Other Matters

14. I have been referred to several examples of barn conversions nearby. However, I am not aware of the specific circumstances of these cases and therefore cannot be certain that they are similar to the appeal scheme which I have determined on the basis of the evidence before me.

Conclusion

15. For the reasons given above, the appeal should be dismissed.

E Pickernell

INSPECTOR



Appeal Decision

Site visit made on 29 October 2024

by **Juliet Rogers BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/E3335/W/24/3344840

Barn at Dark Lane, Upton Noble, Shepton Mallet, Somerset BA4 6AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs B Riley against the decision of Somerset Council.
 - The application Ref is 2023/2409/PAA.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Use Class C3) and associated operational development.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to a dwellinghouse (Use Class C3) and associated operational development at Barn at Dark Lane, Upton Noble, Shepton Mallet, Somerset BA4 6AT, in accordance with the terms of the application 2023/2409/PAA, including Drawing Nos MB/2101/0823-200_01, MB/2101/0823-200_03 and MB/2101/0823-200_04 submitted with it and subject to the following conditions:
 - 1) No development shall commence until details of the access off Dark Lane have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved access has been constructed and shall thereafter be retained.
 - 2) No development shall commence until details of the foul and surface water drainage have been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the approved foul and surface water drainage scheme has been implemented and shall thereafter be retained and maintained.
 - 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
 - 4) Demolition or construction works shall take place only between the following hours: 08:00-18:00 (Monday-Friday) and 08:00-14:00 (Saturday). No demolition or construction works shall take place at any time on Sundays or Bank or Public Holidays.

Preliminary Matters and Main Issues

2. Within the appeal documents, the appellant has submitted a Structural Inspection (SI) report¹. This was not before the Council when the application was determined. However, the Council have had the opportunity to comment on its contents. I am therefore satisfied that no party will be prejudiced by considering the report within my determination of this appeal.
3. Whilst changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) have recently come into effect², the prior approval application was submitted to the Council before this date. Therefore, transitional arrangements require me to determine this appeal in accordance with the provisions of Class Q in place at the time of submission.
4. Under Article 3(1) and Schedule 2, Part 3, Class Q(b) of the GPDO the change of use of a building and any land within its curtilage, from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building is permitted, subject to several limitations and conditions.
5. Paragraph Q.2(1) sets out that the development is permitted under Class Q(b) subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. The Council has refused the application in relation to the suitability of the appeal building for conversion and consequently its non-compliance with paragraph Q.1. However, the Council did not consider the proposal against paragraphs Q.2(1) and W nor conclude on the prior approval matters. Hence, the main issues are:
 - whether the proposed development falls within the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO; and
 - if so, whether prior approval would be required.

Reasons

Whether permitted development under Schedule 2, Part 3, Class Q(b)

6. The main parties agree that the appeal site, including the hay barn, was used solely for agriculture on 20 April 2013, as required by paragraph Q.1(i). I have no substantive reason to disagree. There is also no dispute that the appeal scheme complies with all other limitations and conditions set out in Q.1, except for Q.1(i). This states that building operations that are considered to be reasonably necessary for Class Q(b) include:
 - (i) the installation or replacement of the following, to the extent that would be reasonably necessary for the building to function as a dwellinghouse, (aa) windows, doors, roofs or exterior walls; or (bb) water, drainage, electricity, gas or other services; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by Q.1(i)(i).
7. The 'Dutch Barn' building comprises a steel framed structure with a curved roof and three closed sides. The SI report states that the steelwork frames, posts,

¹ Ref: R240215/SI/00, prepared by Simon Bastone Associates Ltd, dated 3 May 2024

² 21 May 2024

purlins, eaves, beams and rails show no sign of any damage or significant corrosion. Externally the rear and one of the side walls of the barn comprise corrugated galvanised sheeting. Further sheeting is located above the stone wall which forms the other side wall. The curved roof consists of thick corrugated fibre cement sheeting in good condition. As concluded by the SI following a trial hole investigation, the concrete pad foundation to one of the steel columns is devoid of significant corrosion. I have no compelling reasons before me to disagree with the conclusions of the SI regarding the condition of the structure of the barn.

8. The loading calculations within the SI report, which have been prepared by a suitably qualified and experienced chartered structural engineer, are not disputed by the Council and no substantive evidence has been provided for me to doubt their accuracy. Instead, the Council concluded that the work required for the barn to enable conversion exceeds what is reasonably necessary for it to function as a dwelling.
9. In the case of the appeal barn, the existing structure and external materials will be retained, with the only external changes being the introduction of openings and the infilling of the currently open end of the barn. These are not significant alterations and are reasonably necessary for the building to function as a dwelling as per the provisions of Class. Q.1(i)(i). Replacement guttering and downpipes are also operations permissible under this provision. Unlike in the Hibbitt³ case, the operations proposed do not amount to complete or substantial rebuilding of the pre-existing structure.
10. Whilst the proposed development includes the lining of the walls with timber stud work and insulation, new dividing walls and an upper floor, these are internal works which are not restricted by the GPDO. Similarly, any cleaning and/or treatment of the steel frame would be a reasonably necessary operation.
11. Therefore, I conclude the proposed development falls within the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GPDO.

Prior approval matters

12. The prior approval matters set out under Class Q(b) comprise considerations relating to transport and highways, noise, contamination, flooding, the practicality of the residential use, design and external appearance and daylight.
13. With respect to **transport and highway** matters, these relate to the direct impact of the development and not wider issues such as whether the location is accessible to a range of services and facilities.
14. The proposed development would be accessed via an existing gated gap between the stone boundary walls which are set back from the lane behind a verge. No other structures or landscape features are located within the site boundary on either side of the access. Therefore, despite the shallow depth of the verge and the modest height of the stone walls, I have no compelling evidence before me to suggest the required visibility splays cannot be accommodated and safe access from the site achieved.

³ *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin)

15. Similarly, although Dark Lane is narrow and devoid of pavements and lighting, few dwellings are accessed from it before narrows further and takes the form of a muddy track. Despite the anecdotal evidence that the lane and track are well used for dog walking, the increase in vehicle movements from the proposed dwelling would be minimal and, therefore, unlikely to conflict with other users of the lane.
16. Interested parties have indicated that the bend of Church Street/Bull's Lane, where Dark Lane meets this main route through Upton Noble, is dangerous. However, no evidence has been provided to substantiate this assertion. During my site visit, I observed that the setback of Church Farmhouse with the low boundary wall to its front garden provides drivers with sufficient visibility along this main route to exit Dark Lane safely. When turning right into Dark Lane, the increased width of the carriageway on the bend allows drivers to position their vehicle to maximise visibility up Bull's Lane, despite the tall roadside hedgerows.
17. Given the barn's location adjacent to existing residential properties on the edge of Upton Noble, any **noise** from its residential use would not be dissimilar to its neighbours, despite the tranquillity of the surrounding countryside. However, in the interest of protecting the living conditions of neighbouring occupiers, the imposition of a condition which controls the hours of construction or demolition is reasonable.
18. As the historical use of the appeal site is agricultural, with the barn being used for hay storage, there is no compelling evidence before me to conclude that there is a risk of **contamination** on the site. Whilst it may be the case that the profiled fibre cement roof cladding may contain an element of asbestos, the Structural Appraisal⁴ and the SI confirm there are no signs of corrosion or water ingress to the roof covering which would necessitate its removal. It is not, therefore, necessary to impose any conditions requiring further investigation to make the proposed development acceptable in this regard.
19. **Flooding** - the appeal site is located within Flood Zone 1 and, aside from anecdotal comments from interested parties regarding previous flood events in Upton Noble, no substantive flooding issues have been presented to me. However, to ensure foul and surface water drainage is appropriately managed, a condition requiring submission and approval of these schemes is necessary.
20. The barn's location adjacent to existing residential uses and open countryside would not be harmful or objectionable to the extent that it is not sensible or reasonable for conversion. As such, the **practicality of the residential use** of the barn is acceptable.
21. My attention has been drawn to Prospect Farm and Church Farmhouse, two Grade II listed buildings located on the opposite side of Dark Lane from the appeal site. Given the prior approval matters include **design and appearance**, the Framework requires me to take into account the impact of the development on the setting of these listed buildings. These circumstances do not, however, result in the need for a Heritage Impact Assessment.
22. The special interest/significance of the listed buildings, insofar as they relate to the appeal scheme, are primarily derived from their age, quality of architectural features and materials, and their association with the agricultural use of their surrounds. Given the limited external alterations to the barn, it would retain its

⁴ Prepared by Acorus, dated November 2023

appearance as an agricultural structure and would be experienced as such within views of the listed buildings. The setting of the listed buildings would not, therefore, be harmed by the proposed development.

23. Glazed windows and doors are proposed for all habitable rooms, as shown on the proposed plans and elevations with sufficient areas of glazing to provide satisfactory levels of **daylight** to these rooms. Except for the 'snug' room on the ground floor, the openings are located on the northeast or southeast elevations, orientated away from the existing adjacent dwellings.
24. Taking the above considerations into account, I conclude that, subject to the imposition of suitably worded conditions, the proposed development should be granted prior approval.

Other Matters

25. Interested parties have indicated that bats, birds and/or owls may roost in the barn. However, the Council's position is that there are no protected species on the site and no other compelling evidence is before me which substantiates the representations from interested parties. The form and scale of the proposed development together with the size and location of the appeal site, does not trigger the need for an Environmental Impact Assessment to be prepared.
26. Elements of the proposed development, such as energy efficiency, heating provisions and lighting are not matters which require prior approval. Nor is the availability of affordable homes within the Upton Noble, even if many of the larger properties in the settlement are often empty.
27. My attention has been drawn to the previous planning application and subsequent unsuccessful appeal⁵ on the site. However, this involved more extensive work to the barn, including additional structural components necessary to support replacement roof sheeting. Furthermore, as an application for planning permission, rather than prior approval, this previous scheme was determined against the development plan. It is not, therefore, directly comparable to the appeal scheme.

Conditions

28. Given I have listed the submitted plans in my decision and Part W(12) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the details submitted, the Council's suggested plans condition is unnecessary.
29. Part W(13) allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. As set out above, it is necessary to impose a pre-commencement condition requiring details of the access arrangements in the interests of the safety of users of Dark Lane. To ensure foul and surface water drainage is adequately managed, a condition requiring the submission and approval of such schemes is necessary.
30. It is reasonable for me to impose a condition requiring hard and soft landscaping schemes to be submitted to and approved by the Council prior to the development commencing to ensure the site complements the character and appearance of the

⁵ Council Ref: 2016/0693/FUL and appeal ref: APP/Q3305/W/16/3154471

area. To protect the living conditions of neighbouring occupiers I have also imposed a condition restricting the hours when construction works are permitted.

Conclusion

31. For the reasons given above the appeal is allowed and prior approval is granted, subject to conditions.

Juliet Rogers

INSPECTOR



Appeal Decision

Site visit made on 29 November 2024

by **Alexander O'Doherty LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/E3335/W/24/3344906

Land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
- The appeal is made by Solution Property against the decision of Somerset Council.
- The application Ref is 2024/0497/PIP.
- The development proposed is described on the application form as, "Permission in Principle – erection of a three dwellings".

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at land to the south of St Brelades and The Laurels, Oldford Hill, Oldford, Frome, Somerset in accordance with the terms of the application, Ref 2024/0497/PIP.

Preliminary Matters

2. The proposal is for permission in principle. The consent route for which has 2 stages: the first stage (permission in principle) establishes whether a site is suitable in-principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages. The scope for the consideration of a scheme for permission in principle is limited to location, land use, and the amount of development. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
3. As the appeal relates to the principle of the proposed development, I have treated the Proposed Site Plan¹ as being indicative only.
4. The Planning Practice Guidance (PPG) advises that where permission in principle is granted following an application, the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings which are, in principle, permitted². I have determined the appeal accordingly.
5. A revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the revised Framework in my decision.

¹ Proposed Site Plan (drawing no. 1660-SK-500)

² Paragraph 58-052-20180615

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to:
 - the spatial strategy in the development plan and the accessibility of services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

7. The appeal site comprises a field located on the southern edge of Oldford in Somerset. The Council have characterised the site as being in the open countryside in planning policy terms, and this has not been disputed by the appellant. In such areas, Core Policy 1 of the Mendip District Local Plan 2006-2029 – Part 1: Strategy and Policies (adopted 2014) (Local Plan) provides that, amongst other things, development will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 of the Local Plan. The proposed development does not however fall within any of the development types listed in Core Policy 4. Consequently, the proposed development is in conflict with the spatial strategy in the development plan.
8. Services and facilities in Oldford are limited, comprising a restaurant and a nursery. Nevertheless, Oldford is within walking distance of Frome, which is identified in Core Policy 1 as a Principal Settlement. Regular bus services to Frome are also within walking distance of the site. Although the footway leading to the bus stops in Oldford is occasionally narrow, it is safe and useable. I observed that visibility at the entrance to the site on Oldford Hill is sufficient to enable Oldford Hill to be safely crossed to access the footway on the opposite side of the road.
9. As such, although the future occupiers of the proposed development would likely travel to Frome to meet many of their day-to-day needs, Frome can be reasonably and conveniently accessed by sustainable modes of transport, including walking and by bus. No conflict would arise with Policy DP9 of the Local Plan which provides that, amongst other things, where appropriate, development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport (particularly by means other than the private car). This does not however overcome the conflict with the spatial strategy identified above.
10. I therefore find that the site is not suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the spatial strategy in the development plan. The proposed development would conflict with Core Policies 1 and 4 of the Local Plan which collectively set out the spatial strategy for sustaining rural communities in Mendip.

Character and appearance

11. The site lies adjacent to Oldford Hill and to the south of 2 detached dwellings known as St Brelades and The Laurels which form part of a cul-de-sac. An

agricultural barn (which benefits from an extant grant of prior approval for use as a dwelling) and Oldford Residential Park are also sited to the north of the site. Buildings and structures associated with Rockhouse Farm are present opposite the site on the other side of Oldford Hill.

12. As only a maximum of 3 dwellings are proposed on this modestly-sized site, the proposed development would result in a minor incursion into the open countryside. When seen from Oldford Hill, the proposed dwellings would be visually associated with the existing residential development to the north of the site.
13. At technical details consent stage, the Council could ensure that an appropriate layout, orientation, and boundary treatment for the proposed dwellings is secured, as well as appropriate soft landscaping measures across the site as a whole. This would ensure that the proposed development would visually represent the termination of residential development in Oldford, with a layout reflective of its context. The technical details consent stage would also give the Council the opportunity to ensure that views through the site to the open countryside are maximised.
14. Whilst the existing access to the site is in place, a layout could be devised at the technical details consent stage which would minimise the degree to which the proposed development would be separated from existing residential development on Oldford Hill, for example by siting some / all of the proposed dwellings close to the northern boundary of the site.
15. I therefore find that the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the effect of the proposed development on the character and appearance of the area. It would comply with Policy DP1 of the Local Plan which provides that, amongst other things, all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district, and with Policy DP4 of the Local Plan which provides that, amongst other things, proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported.

Other Matters

16. The appellant has referred to a planning permission at Overbrook, Windsbatch Lane, Oldford³. The indicative information referred to in the Council's Officer's Report for that application has not been provided. Also, the Officer's Report does not discuss matters of sustainable transport in any detail. For these reasons, based on the limited information before me, that permission does not lend support for the proposed development. It does not change my findings on the main issues above.
17. The housing mix of the proposed development, its layout in terms of the living conditions of the occupiers of nearby residential dwellings, and the provision of visibility splays at the proposed access in terms of highway safety, would all be considered at technical details consent stage. In this regard, there would be no planning permission unless and until technical details consent has been granted. These are not matters which change my findings on the main issues above.

³ 2020/2029/OTS

18. The finding on the 2nd main issue above, in relation to the character and appearance of the area, is a neutral matter, which does not weigh in favour of the proposed development.
19. The proposed development would not set a precedent, as any future planning applications would be considered by the Council on their own merits.

Other Considerations and Planning Balance

20. The proposed development would not accord with the spatial strategy in the development plan, resulting in conflict with Core Policies 1 and 4 of the Local Plan. No other Local Plan policies have been cited which might support the proposed development. It follows that the proposed development would conflict with the development plan when considered as a whole. However, taking account of the limited maximum quantum of development proposed and the adequate accessibility of the site by sustainable modes of transport, the adverse impacts of the proposed development arising from its conflict with the spatial strategy would not be significant. The conflict with Core Policies 1 and 4 of the Local Plan has therefore been given limited weight.
21. It is common ground between the main parties that the Council is currently unable to demonstrate the necessary forward supply of housing sites, as required by the Framework, with a housing land supply figure of approximately 3.24 years being quoted by the main parties. Hence, paragraph 11 d) ii. of the Framework is engaged.
22. The proposed development would provide a modest but valuable contribution towards housing land supply, in the context of the Council's notable shortfall. Moreover, the future occupiers of the proposed development would likely contribute towards the economic vitality of Frome, and the indicative details and the submitted Ecological Appraisal demonstrate that a 10% increase in linear habitat units on site is feasible.
23. The proposed development would accordingly contribute towards the Government's objective of significantly boosting the supply of homes. Given that the site would be appropriately sustainable in terms of its location, it would maximise sustainable transport solutions in accordance with paragraph 110 of the Framework, which is a key policy for the purposes of paragraph 11 d) ii. Additionally, the proposed development would ensure that sustainable transport modes are prioritised, in line with paragraph 115 of the Framework, which is also a key policy for the purposes of paragraph 11 d) ii.
24. Taking all of the above into account, the adverse impacts of granting permission in principle would be limited. These adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The proposed development would benefit from the presumption in favour of sustainable development, which is a factor which weighs heavily in support of the proposed development.
25. Therefore, in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), as a matter of planning judgement I find that the other

considerations (which include the Framework's presumption in favour of sustainable development which the proposed development benefits from), indicate that the appeal should be determined otherwise than in accordance with the development plan.

Conditions

26. The PPG advises that it is not possible for conditions to be attached to a grant of permission in principle⁴.

Conclusion

27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations (including the representations of all interested parties), I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

⁴ Paragraph 58-020-20180615



Appeal Decision

Site visit made on 12 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2025

Appeal Ref: APP/E3335/W/24/3347836

4 The Mead, Rode, Frome, Somerset BA11 6PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J & R Hill of Furlong Developments Ltd against the decision of Somerset Council.
 - The application Ref 2023/2103/FUL, dated 30 October 2023, was refused by notice dated 1 May 2024.
 - The development proposed is erection of 2 no. semi-detached houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
3. For reasons of precision and clarity, I have taken the address of the site and the description of development from the Council's Decision Notice.

Main Issue

4. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site comprises the side garden area of an existing semi-detached dwelling, and forms part of a corner plot, which mirrors the layout of the dwelling on the opposite side of the road. This creates a spacious, open character at this location. This contrasts with the remainder of The Mead, where dwellings are set within more regular shaped plots, with less space between them. The appeal property, along with neighbouring dwellings are set back from the road and follow a distinct line. The position of the dwellings reinforces the spacious character of the area and gives this part of The Mead a regular and uniform pattern. The front boundary of the appeal site comprises a stone wall which also runs in front of the neighbouring properties and is punctuated by small gaps to allow for access to off-road spaces.
6. The proposed development would be located within the side garden area of the appeal property and comprise a pair of semi-detached, two storey dwellings.

They would be accessed from the front and would be similar in terms of their height and scale to those around them. They would however be positioned closer to the road than the host property, beyond the established building line. As a result, when viewed from along the street, the proposal would introduce a form of development that would fail to respect the context, layout and character of the surrounding area. Furthermore, when viewed along the street there would be less generous spacing between the host dwelling and the new dwellings. As such, this would result in a cramped appearance, indicative of overdevelopment. The proposal would therefore not be compatible with the surrounding spacious, open character and the regular, uniform pattern of development. As a result, it would fail to respond to the local character or reflect the identity of the surroundings.

7. Vehicular access and car parking for the proposed dwellings would be provided to the front. The provision of car parking to the front of properties is commonplace for surrounding dwellings and has been included in a number of recently completed developments nearby. I also note that the host property has a gravel driveway to the side. That said, the proposed development would result in the provision of a large area of off-street parking, which would result in the loss of a substantial proportion of the existing stone boundary wall to accommodate these parking spaces. Given the contribution the stonewall makes to the overall character and appearance of the area, I consider that, as a result of its loss and its replacement with an open paved parking area, the proposed development would fail to maintain and enhance the local identity and distinctiveness of the area.
8. Whilst the proposed finished materials may be different to those used on surrounding dwellings, I do consider them to be so harmful as to warrant withholding planning permission for this reason alone. In any event, had I found the development to be acceptable, then the matter could have been addressed via a planning condition.
9. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policies DP1, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies and the National Planning Policy Framework (the Framework). These policies, amongst other things seek to ensure that new development contribute positively to the maintenance and enhancement of local identity and distinctiveness and that in terms of their scale, mass, form and layout, new developments are appropriate within their context.

Other Matters

10. The appellant submits that the Council are presently unable to demonstrate a 5-year supply of housing land and as a result, considers that the planning balance as set out in Paragraph 11 (d) should apply. No details have been provided by the Council to refute this, therefore I have dealt with the appeal on this basis. I therefore consider that the balance, as set out in Paragraph 11 (d) of the Framework applies in this case.
11. Paragraph 11 of the Framework states that where the most important policies are out of date, permission should be granted unless any adverse impacts of doing so, would significantly and demonstrably outweigh the benefits when assessed against the policies in The Framework taken as whole, or where specific policies in The Framework, indicate that development should be

restricted. In this respect, I have found that the proposed development would not conflict with policies in the Framework that protect areas or assets of particular importance as set out in footnote 6 of the Framework.

12. The proposed development would contribute two dwellings towards the existing housing stock and is located within an accessible location, within the settlement boundary. Whilst this would be a benefit, given the very limited scale of the contribution, the adverse impacts the proposed development would have upon the character and appearance of the area, significantly and demonstrably outweigh this limited benefit.
13. Furthermore, I note that the Council raise no other issues in relation to ecology, highways and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
14. Drawing all this together, whilst the proposal would deliver benefits, principally in the form of two new homes, given the limited scale of the contribution, I find that the adverse impact of the proposed development upon the character and appearance of the area, significantly and demonstrably outweighs these benefits.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR

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