

Application Number	2023/1686/FUL
Case Officer	Anna Jotcham
Site	Critchill Farm Critch Hill Frome Somerset BA11 4LJ
Date Validated	4 September 2023
Applicant/ Organisation	Santa's Grotto Frome
Application Type	Full Application
Proposal	Siting of two timber buildings to form Father Christmas grotto (resubmission of 2023/0642/FUL)
Division	Frome West Division
Parish	Selwood Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

WHAT 3 WORDS

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

`///emerge.shepherdess.cocoons`

SCHEME OF DELEGATION

Calls to Planning Committee from Cllr. Michael Dunk and Cllr. Martin Dimery have been received. However, no material planning reasons are cited so these requests do not trigger a referral to the Chair and Vice Chair of Planning Committee.

The application is instead referred to the Chair and Vice Chair of Planning Committee because the case officer recommendation conflicts with that of the Parish Council.

SITE DESCRIPTION, PROPOSAL AND CONSTRAINTS

The application relates to land at Critchill Manor, Critch Hill which is on the outskirts of Frome, within the Parish of Selwood. Critchill Manor is grade II listed and dates from the mid-17th century. The wider Critchill Manor estate, is former farmland which has previously been used as a golf course, but is now in various commercial and tourist uses, including the Frome Town football club ground, clubhouse, and associated facilities.

The application seeks planning permission to site two timber buildings, which will be utilised as a Father Christmas 'grotto'. The application is a resubmission of an identical scheme which was refused in July 2023 (ref: 2023/0642/FUL).

The site is located approximately 165 meters southwest of the Manor and is accessed via a long drive and an existing car park off Critch Hill / Frome Road which serves the various activities taking place on the estate. Public footpath FR14/78 runs along part of the existing drive and across the northern edge of the car park.

The application site is within a Site of Special Scientific Interest (SSSI) Impact Risk Zone and the Mells Valley Special Area of Conservation (SAC) Bat Consultation Zone.

RELEVANT PLANNING HISTORY

2023/0642/FUL – Siting of two timber buildings to form Father Christmas grotto – REFUSED – 18.07.2023.

2021/0593/FUL – Proposed change of use of land for the stationing of three log cabins to provide holiday accommodation – APPROVED – 11.08.2021.

2018/2724/FUL – Change of Use of land for the stationing of caravans to provide holiday accommodation, isolation tanks for floatation therapy and rural worker accommodation with associated landscaping – REFUSED – 28.03.2019.

2018/0032/FUL – Proposed single demountable chalet for residential use, (retrospective) – REFUSED – 02.05.2018.

089745/012 – Change of use from agriculture to leisure to extend existing golf course (CAT B) – APPROVED WITH CONDITIONS – 26.06.2002.

SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL

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

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)

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

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

- CP1 – Mendip Spatial Strategy
- CP3 – Supporting Business Development and Growth
- CP4 – Sustaining Rural Communities
- DP1 – Local Identity and Distinctiveness
- 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
- DP23 – Managing Flood Risk

Other possible relevant considerations (without limitation):

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

SUMMARY OF CONSULTATION RESPONSES

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

Divisional Member (Cllr. Michael Dunk) – Calls to planning committee if officer is minded to refuse.

[Officer note: No material planning reasons given].

Cllr. Martin Dimery – Calls to planning committee if officer is minded to refuse.

[Officer note: No material planning reasons given].

Selwood Parish Council – Supports application and refers to comments of support on the previous application.

[Officer note: Comments received on behalf of the parish council on the previous application (2023/0642/FUL) cited that the site is within walking distance of Frome but has good parking available for those travelling by vehicle. There are also good facilities for children which already exist and are used by large numbers of families in the Frome area on a weekly basis throughout the year.]

Highways – No objection on highway safety grounds.

Rights of Way Team – No objection.

Local representations –

1 objection comment received raising the following concerns:

- The site is outside the development limits of Frome.
- The site can be seen from public footpath FR14/78 in both directions, especially in winter.
- The site is part of a Site of Special Scientific Interest (SSSI).
- The site is in a bat conservation area.
- The site already has a lot of other business ventures operating on it (café and bar G08 and playground, Frome town Robins, 3 car repair shops, fabricating workshop, artist studio, shipping containers for storage, campsite, holiday rentals).
- Opening hours of G08 café are limited (Sat-Sun 10.00-16.00 and maybe Fri and Thurs 10.00-16.00) so not sure how the proposed voucher scheme will work with the hours and days not coinciding.
- A vacant shop in the town centre would be a more appropriate venue.
- What will the buildings be used for outside the festive season?
- Insufficient access and highway safety issues.
- Tickets can already be booked before planning permission has been obtained.

6 supporting comments received highlighting the following:

- The proposed cabins will blend in well with the surroundings.
- It is not a loud experience.
- Special closed sittings, by appointment only, are offered for SEN children, disabled and sick and auto immune children.
- Businesses / uses already operate on the site and the existing track road and car parking arrangements safely accommodate these.

- The proposed use will have a smaller impact than the already approved glamping use.
- The operation is a valued customer experience.
- The previous venue (Palette and Pasture) was also in a rural location.
- The voucher scheme will support the newly opened G08 café/bar playground (to be redeemed during the times they are open).
- Traffic, parking or congestion will not be an issue.
- The grotto will only be used for a few weeks every year.

ASSESSMENT OF RELEVANT ISSUES

PRINCIPLE OF DEVELOPMENT AND SUSTAINABILITY

The application site lies outside the development limits of Frome to the west of the town. Therefore, in planning policy terms the site is in the open countryside. Under policy CP1 (Mendip Spatial Strategy) development in the open countryside will be strictly controlled but may exceptionally be permitted in line with policy CP3 (Supporting Business Development and Growth) and CP4 (Sustaining Rural Communities).

To be supported under policy CP3 proposals should limit the growth in demand for private transport and be accessible by sustainable transport modes. This is reinforced by policy DP9 (Transport Impact of New Development) which seeks to maximise the use of sustainable forms of transport (particularly by means other than the private car). Given the remote location and distance from the local highway network it is expected, and has been agreed by the applicant, that the site would rely upon the private car for access.

The proposed use will operate on a pre-booked time slot basis so that up to two families will arrive at a given 20 minutes slot (equating to a maximum of six families per hour). Booked sessions will take place between 12 noon and 8pm, between 25 November and 23 December each season. Outside the festive season the buildings will remain on site and be used for storage. Assuming that every session is fully booked, and all visitors arrive by car, this would equate to 48 cars generating 96 vehicle trips (i.e. two way traffic) for every day that the service operates. On this basis, the proposed development would create 2,208 additional vehicle trips in and out of the site during the four-week festive season. Additional trips by staff would also be expected.

Other uses operate on the wider site, but these are not comparable to the one currently being proposed and do not set a precedent. These existing uses also have poor transport connections and rely on the private car for access. The proposed development will likely encourage trips which are solely for the 'grotto' experience. The trips made will be in addition to other uses operating on the wider site, although it is accepted that some customers may use facilities such as the toilets and café/bar at the football clubhouse.

Overall, this volume of additional traffic does not sit comfortably with the Council's policies on reducing reliance on private transport and encouraging and supporting sustainable forms of development.

Policy CP4 seeks to support the establishment of rural businesses in a manner and of a scale which is appropriate to the location and constraints upon it. The policies of the National Planning Policy Framework (NPPF) similarly seek to support rural business development. Though it also recognises the need to maximise travel by means other than the private car.

The revised information stresses that the proposed use is relocating from Trudoxhill so therefore the proposal will not generate any new trips. No details of the previous location are provided in the submission. However, according to one of the consultation responses received, it was at an enterprise known as 'Palette and Pasture' based at Pyle Farm. Tickets for a 'Christmas on the Farm with Santa Meet and Greet' experience, at Pyle Farm, can be purchased on the Palette and Pasture website for December 2023. This indicates that the proposed use at Critchill Manor, will operate in addition to (and not instead of) a similar experience at Pyle Farm.

Given the accessibility considerations noted above, and when read alongside the principles in policies CP3 and DP9, the site is not in an appropriate or sustainable location. It would not be safely or conveniently accessed by means other than the private car. Other more sustainable locations, such as a vacant shop in a town centre, could be adapted each year to accommodate facilitate the proposed business and could also bring in other benefits, such as indirect spending to boost the local economy.

DESIGN AND VISUAL IMPACT CONSIDERATIONS

The proposed buildings are prefabricated timber cabins which will be adapted to reflect the proposed 'grotto' experience. The buildings will have a total area of 50m² and will be approximately 2.5m to eaves and 4m to ridge.

The area around the site is level ground characterised by high grass. The site is well contained and screened by trees. The land was previously used as a golf course and most recently for 'glamping'. It has an undeveloped and open character, despite proximity to the existing car park and football clubhouse. The proposed buildings would be at odds with the verdant character but would not be overly visible from the surrounding area by virtue of existing landscaping and planting. Glimpses of the buildings would be possible from the public footpath FR14/78 to the north, but it is not considered that this would be visually detrimental to users of the path.

Access and parking are existing. The design includes a no-dig footpath, which would lead the customers from the existing car park to the 'grotto'. Subject to conditions which control lighting, there would be little effect on the overall rural character of the area. The proposal accords with policy DP1 (Local Identify and Distinctiveness) and DP7 (Design and Amenity of New Development) of the adopted Local Plan Part 1 (2014) and part 12 of the NPPF.

IMPACT ON HERITAGE ASSETS

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas)

Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Here it is considered that given the scope of other activities being undertaken across the wider estate that the setting of Critchill Manor will be unaffected by the proposals. The proposed buildings would be set approximately 165 metres away from the heritage asset so its immediate context would be unaffected. Furthermore, the design, scale and massing of the proposed buildings, set amongst existing vegetation, would not have an adverse impact on the visual setting of the designated heritage asset. On this basis the proposal is considered to be in accordance with policy DP3 of the Mendip Local Plan Part 1 (2014).

ECOLOGICAL IMPLICATIONS

The buildings will sit on a simple pad foundation and no trees need to be removed as part of the development. The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone and a Bat Consultation Zone (North Somerset Mendip Bats Special Area of Conservation (SAC)). However, given the openness of the wider site and the limited nature of the development it is considered that the development would not affect the significance and importance of the area in terms of either habitat or migration routes. The proposal is therefore considered ecologically acceptable and in accordance with policy

DP5 (Biodiversity and Ecological Networks) and DP6 (Bat Protection) of the adopted Local Plan Part 1 (2014).

HIGHWAY SAFETY

Notwithstanding the accessibility considerations discussed above, there is no objection to the proposal on highway safety grounds.

IMPACT ON RESIDENTIAL AMENITY

Given the location of the site and the overall design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 (Design and Amenity to New Development) and DP8 (Environmental Protection) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

OTHER MATTERS

The Council is aware that the buildings being proposed through this current application (and previously refused under 2023/0642/FUL) have been erected on the application site without planning permission. Tickets are currently being sold for the experience online. The case has been registered as an enforcement case (ref: ENF/2023/0385) and the Council's position (to not currently take formal action) will be reviewed in the event that the application is refused.

PLANNING BALANCE / CONCLUSION

Local and national policy lends support to rural businesses, but this is within an overall framework that sites should be located in accessible and therefore sustainable locations. The site is in the countryside and, while some development may be permissible, the overall aim expressed through policies CP3, CP4 and DP9 and the NPPF is to limit the growth in demand for private transport and encourage development which is accessible by sustainable transport modes. It is therefore considered that the proposals conflict with the development plan when read as a whole.

There are some merits and benefits to the application. The business could employ a small number of local people (2 full time and 7 part-time), and it would offer a community service of sorts. However, jobs to local people are not guaranteed or controllable and they would be temporary and short-lived. Value to the community is recognised but the economic benefits of the enterprise (i.e. through ticket sales) would be private (to the applicant and

the landowner who takes a 10% cut of ticket sales). Some in-direct spending at existing uses operating on the wider site (e.g. the football clubhouse café/bar) may be encouraged through the proposed voucher scheme (offering a free 'Baby Chino' to each child) but this is likely to be ad-hoc and small scale, especially given the limited opening times of the G08 café/bar.

There would be no harm to the character and appearance of the area, heritage assets, ecology or residential amenity, but this is neutral in the planning balance.

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Owing to a strong reliance on the private motor vehicle, the site would be an unsuitable location for the proposed development in terms of delivering sustainable development and sustainable rural communities. Other more suitable locations (such as a vacant shop in the town centre) are likely to be available. The benefits of the proposal are not considered to outweigh the identified harm.

It is noted that the applicant has put forward possible planning conditions to address the unsustainable location. However, conditions to advertise sustainable travel options, promote the town centre, retail, leisure and tourist attractions, ensure the provision of vouchers for drinks, or monitor the origin and travel modes of customers would not satisfy the six tests, set out in the NPPF.

The application does not overcome the previous reason for refusal for applied to planning application 2023/0642/FUL. This revised application, for an identical scheme is therefore also recommended for refusal.

ENVIRONMENTAL IMPACT ASSESSMENT

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

EQUALITIES ACT

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

Recommendation

Refusal

1. The site, by virtue of its location, is poorly served by public transport and is not readily accessible by safe pedestrian or cyclist access, so access is reliant on private motor vehicles. It is not considered a suitable or appropriate location for this business, which does not require a countryside location. The application is therefore contrary to policies CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), and the NPPF.

Informatives

1. The application relates to the following plans, received 1 Sept 2023:

COB/23/068-01 - LOCATION PLAN
COB/23/068-02A - PROPOSED PLANS AND FOOTPATH DETAIL
COB/23/068-03A - PROPOSED GROTTO AND ELF OFFICE ELEVATIONS
2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

