

Application Number	2021/2413/FUL
Case Officer	Ed Winter
Site	Land At 352613 133868 Baltonsborough Road Butleigh Street Somerset
Date Validated	24 November 2021
Applicant/ Organisation	Galion Homes Ltd
Application Type	Full Application
Proposal	Erection of 37 no. dwellings (Use Class C3) and a cafe/work hub (Use Class E) with associated access, parking and landscaping (resubmission of 2020/2674/FUL).
Division	Mendip South Division
Parish	Butleigh Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

Scheme of delegation

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

Description of proposal, site and constraints

The application site comprises land in agricultural use of 11.8 hectares (grade 3b, not best and most versatile). The land consists of a field located on the north-eastern side of the village of Butleigh. The site is to the north and east of Butleigh Village Hall and recreation ground. The north-western boundary of the site abuts Baltonsborough Road and Wash Brook. Butleigh Rhyne, a steeply banked stream, runs along the southern and eastern boundaries of the site. Beyond the eastern boundary of the site lies a large solar farm and a wastewater treatment plant is located to the south-east. Fields lie to the north and west of the site. The site boundaries are generally lined by trees and hedges, with field accesses located in the south-western and south-east corners, and further access on Baltonsborough Road.

Butleigh is identified in Local Plan Part I as a primary village and therefore includes a development boundary. The site lies outside the development boundary and is separated from the village by the village hall and recreation field. The site is not allocated for development within the local plan.

Full planning permission is sought for the erection of 37 dwellings, a café and seven 'work hub units' (205sqm combined total).

A similar application was made in December 2020 (2020/2674/FUL) but withdrawn in 2021. The current application was first submitted in November 2021, although its progress was held up for over a year due to uncertainties around phosphate mitigation.

Amendments to the scheme were received in 2023 to improve the parking and layout of the site, the introduction of smaller work hub units (to improve their marketability), and the introduction of play areas. Clarifications regarding drainage were sought by the lead local flood authority and the Somerset Drainage Board, which have now been fully addressed.

The 37 dwellings are a mix of two, three, four and five-bed one and two storey terraced, semi-detached and detached homes. 11 would be affordable and secured as such in perpetuity. The buildings, gardens, roads and pavements amount to 4.6ha. A significant part (1.4ha) of the site would be used for features such as swales, wetland, woodland and a community orchard. The remaining 5.8 hectares would stay in agricultural use. Total site area is 11.8ha.

The houses are all designed to complement local vernacular and would be built to exceed current building regulations standards. Blue lias would be used on all front elevations, with remaining elevations in either blue lias or render. Roofs would be slate or clay tile. Blue lias and estate railing would be used for boundaries, as well as planting. All homes would have at least one active electric vehicle charging point of at least 7kw, prior to the occupation of dwellings.

The commercial units would consist of a café and seven work hub-units, all of which would be timber clad with zinc roofs. Both the café and work hub units would be in use class E: commercial, business and service. Class E includes a wide range of uses such as artist studios, barbers, crèches, gyms, hairdressers, music studios and osteopaths. The café and work hub units would have their own parking area, consisting of 13 car parking spaces (including one disabled bay) and 12 bicycle parking spaces. A permissive footpath would go around the periphery of the site.

A new vehicular access into the site would be formed from Baltonsborough Road. A pedestrian link onto Back Town would be provided in the south-western part of the site.

The application is supported by a suite of documents including a design & access statement, transport statement, odour assessment, flood risk assessment & drainage strategy, archaeological assessment, arboricultural impact assessment, and a nutrient neutrality assessment & mitigation strategy.

On site constraints

- Air limit (MOD)
- Agricultural land classification: 3b (not best and most versatile)
- Flood zone 1
- Sewage treatment buffer zone.
- Somerset Levels & Moors RAMSAR catchment area.
- SSSI impact risk zone
- Upper Brue Internal Drainage Board area

Relevant history

- 2020/2674/FUL - A proposal for 37 dwellings and a cafe/work hub was withdrawn in April 2021.

Summary of division councillor comments, parish/city council comments, representations and consultee comments

- SC division member: Cllr Sully requests application be determined at planning committee.
- Butleigh Parish Council: Objection (full comments on website)
 - Not allocated
 - This site in combination with Sub Road scheme would add in excess of 20% additional dwellings to Butleigh with no additional infrastructure (roads, sewerage etc)
 - Proposed vehicular and pedestrian accesses unsafe.
 - Butleigh sewage works unable to cope with current levels of waste and frequently overflows. Concerns over untreated water being diverted into neighbouring ditch system. Objection from Wessex Water regarding odour.
 - Concerns over construction traffic routing
- SC Affordable Housing: No objection, subject to legal agreement.
- SC Contaminated Land: No objection (informative advised).
- SC Ecology: No objection, subject to conditions/legal agreement.
- SC Education: No objection as there is sufficient school capacity at present.
- SC Environmental Protection: No objection subject to conditions.
- SC Highway Authority: No objection.
- SC Lead Local Flood Authority: No objection
- SC Planning Policy: Objection
- SC Trees & Woodland: No comments received.

- CPRE (The Countryside Charity): Objection
- NHS: No objection subject to s106.
- Natural England: No objection, subject to mitigation being secured in perpetuity through legal agreement.
- Somerset Drainage Boards Consortium: No objection
- South West Heritage Trust Archaeology: No objection subject to conditions.
- Wessex Water: No objection

Summary of representations from neighbours/members of public

This application has generated a significant level of interest from members of the public. Only one comment of support was received, whereas all the other comments were to object. 90 objections were received in response to the initial submission of the application in 2021, with a further 38 objections in response to the amendments that were submitted in 2023. The issues raised by objectors in 2021/2022 remained the same in 2023.

Summary of objections

Key points from the objections to the planning application include:

- **Outside of Development Limit:** The proposed development is located outside the designated development limit outlined in the local plan.
- **Lack of Need:** Many objections question the necessity of additional housing in the village, citing existing approvals.
- **Brownfield sites are available in Street & Glastonbury.**
- **Traffic Concerns:** Worries about increased traffic congestion, particularly on narrow country lanes, leading to safety hazards and noise pollution. The cafe will attract additional traffic.
- **Infrastructure Strain:** Existing infrastructure such as drainage, roads, and schools is already strained and unable to support additional housing developments. Concerns about proximity to the proposed development to Butleigh Wastewater Treatment Works.
- **The village primary school is at full capacity.**
- **Environmental Impact:** Concerns about the development's potential to increase flooding, reduce green spaces, and harm wildlife habitats.
- **Character of the Village:** Opposition to the proposed development as it is seen as out of character and scale to the village. Design & layout does not fit in with the character of the village.
- **Quality of Life:** Concerns about the impact on residents' quality of life, including increased noise, light pollution, and congestion.
- **Inadequate Consultation:** Criticism of the lack of meaningful consultation with the local community and disregard for residents' concerns.

- Phosphate Levels: Doubts about the effectiveness of proposed tree planting to offset phosphate production from the development.
- Employment: Limited employment availability within Butleigh resulting in need to travel for work.
- Loss of productive agricultural land.
- Loss of wildlife habitat.
- No need for a cafe/work hub as there is space available in the pavilion, church rooms, school hall.

Summary of support comment received in 2022

- Desire for Family Home: The commenter, a young professional and parent, expresses a desire for an attractive 4/5 bedroom house in the Baltonsborough/Butleigh area, which is rare to find for sale and urges consideration for people seeking to buy long-term family homes, suggesting that the proposed development could meet this demand.
- Concerns about Opposition: The commenter believes that many of the objections come from residents who already live in large detached family houses, and suggests that they may oppose any housing scheme, regardless of affordability.
- Benefits of New Facility: The commenter highlights the positive impact of the Balsbury Grocery in Baltonsborough, suggesting that the addition of new facilities, like those proposed by the development, can create local hubs and offer choice and opportunity to residents.
- Positive View of Developer: The commenter praises Galion, the developer behind the proposed development, for their efforts to design and build attractive homes that fit with the area, using quality materials that will stand the test of time.

Summary of all planning policies and legislation relevant to the proposal

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

The development plan comprises:

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

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

Core policies

- CP1: Mendip Spatial Strategy
- CP2: Supporting the Provision of Housing
- CP3: Supporting Business Development and Growth

- CP4: Sustaining Rural Communities

Local development policies

- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP4: Mendip's Landscapes
- DP5: Biodiversity and Ecological Networks
- DP7: Design and Amenity of New Development
- DP6: Bat Protection
- DP9: Highways Impact of New Development
- DP10: Parking Standards
- DP11: Affordable Housing
- DP19: Development Contributions
- DP23: Managing Flood Risk

Other possible relevant considerations (without limitation)

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide
- Landscape Character Assessment 2020
- Design and Amenity of New Development Supplementary Planning Document 2022
- Greenspace Supplementary Planning Document 2023

Assessment of relevant issues

- The proposed development would deliver 37 homes, of which 11 would be affordable.
- The proposed development would also deliver 205sqm of café and work hub units and an uplift in biodiversity.
- The site is located in “open countryside” for the purposes of the spatial strategy, an area where development is to be strictly controlled.
- The council is unable to demonstrate a five-year supply of housing site in the Somerset East area and can demonstrate a supply of 2,213 homes, which is 3.24 years' worth. This is a shortfall of 1,201 homes against the requirement of 3,414.
- Highways, phosphates, odour (proximity to sewage works), flood risk issues have been addressed through the planning application process.
- There are both benefits and harms to this application, which need to be weighed up.

Principle of the use

In terms of the spatial strategy and settlement hierarchy, as set out in local plan policies CP1 and CP2, the site is located within “open countryside” (NB, this is not a landscape term, but a settlement hierarchy term, in this context). In such locations, development is to

be strictly controlled. Policy CP4 identifies a number of exceptions to this strict control, none of which apply to the residential element of the proposed development, but do apply to the commercial element. Therefore, in local plan terms, the development as proposed is not acceptable in principle.

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

The NPPF is a material consideration in the determination of planning applications.

Paragraph 11d states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], 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 [7]; 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.*

[Footnote 7] The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

[Footnote 8] This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”

As the Somerset East area cannot demonstrate a five-year supply of housing, the tilted balance is engaged, unless the situation in *i* applies. That situation is not considered to apply to this planning application.

The policies which are most important for determining the application and whether they are out of date

NPPF paragraph 11d requires the policies most important for determining the application to be identified and to determine whether or not they are “out of date”. Case law (e.g. Peel

Investments [2020] EWCA Civ 1175) has confirmed that “out of date” in this context means the degree to which they are consistent with the NPPF and whether they have been overtaken by events. For policies that are deemed “out of date”, the weight to be attributed to them should be reduced, based on the reasons for their being “out of date”. This exercise should be carried out regardless of whether a five-year supply of housing land can be demonstrated as five-year supply is an additional consideration.

The policies most important for determining the application are considered to be:

- CP1: Mendip Spatial Strategy
- CP2: Supporting the Provision of Housing
- CP3: Supporting Business Development and Growth
- CP4: Sustaining Rural Communities
- DP1: Local Identity and Distinctiveness
- DP4: Mendip’s Landscapes
- DP5: Biodiversity and Ecological Networks
- DP7: Design and Amenity of New Development
- DP8: Environmental Protection
- DP9: Highways Impact of New Development
- DP23: Managing Flood Risk

The reasons as to why these are considered to be the most important policies, whether they are considered “out of date” and the weight to be attributed to them is set out below.

CP1

Mendip Spatial Strategy is chiefly concerned with achieving a sustainable pattern of growth and seeks to do this by directing the majority of development to the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells, with development tailored to meet rural needs allowed for in primary and secondary villages. Outside of these areas, development is to be strictly controlled. The policy also seeks to channel development towards appropriate previously development land and other land within settlement boundaries and then to the most sustainable locations on the edge of identified settlements. This is then reflected in site allocations. This policy also defines the settlement boundaries.

This strategy is considered to be consistent with NPPF aims of achieving sustainable development. However, CP1 is also over five years old. It is also the case that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is therefore considered the CP1 has been overtaken by events, and is therefore out-of-date out of date, to the extent that it restricts development through the settlement boundaries. The settlement boundaries are therefore given reduced weight. This is not to say that

development anywhere would be acceptable, but that the LPA should view the settlement boundaries as having reduced weight and therefore offering some flexibility.

CP2

Supporting the Provision of Housing takes the principles of the spatial strategy set out in CP1 and identifies the *amount* of development required overall and by settlement for Frome, Glastonbury, Shepton Mallet, Street and Wells. For the primary and secondary villages, an aggregated figure of 1,780 homes is identified. The supporting text to the policy identifies requirements for each village, with completions and consents early in the plan period taken into account, resulting in a remaining 'level of development' figure, which was used to inform site allocations in LPP2. An additional 505 homes across the district are also to be delivered in the plan period.

CP2 further states that sites are to be allocated in line with the principle that growth at the primary and secondary villages should be proportionate. 15% is identified as a proxy for proportionate growth in the supporting text.

LPP1 is over five years old and the local planning authority cannot demonstrate a five-year supply of deliverable housing. Therefore, references in the policy and supporting text to housing numbers, to the extent that they are considered material in restricting development, should be given reduced weight.

However, the principle of proportionate growth is considered to be consistent with the NPPF and should be given full weight.

CP3

CP3 Supporting Business Development and Growth supports economic development proposals in line with the spatial strategy set out in CP1 and, in rural areas, CP4. This policy is considered consistent with the NPPF and should be given full weight.

CP4

CP4 reiterates the approach to site allocations in rural areas set out in CP1 and CP2 and serves as an exception policy to the strict control of development as set out in CP1, for some types of housing and economic development. This policy is considered consistent with the NPPF and should be given full weight. The principle of proportionate growth is considered to be consistent with the NPPF and should be given full weight.

DP1

The local plan policy on Local Identity and Distinctiveness is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP4

The local plan policy on Mendip's Landscapes is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP5

The local plan policy on Biodiversity and Ecological Networks is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP7

The local plan policy on Design and Amenity of New Development is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP8

The local plan policy on Environmental Protection is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP9

The local plan policy on Highways Impact of New Development is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

DP23

The local plan policy on Managing Flood Risk is considered to be consistent with the NPPF and not overtaken by events. It is therefore attributed full weight.

Having identified the policies most important to the determination of the application, and the weight to be attributed to each of them, it can be concluded that for most of the policies that are considered most important for the determination of the application are not considered to be out of date, but CP1 and CP2 are considered to be partly out of date.

However, as previously stated, the council cannot demonstrate a five-year supply of deliverable housing sites.

The rest of NPPF paragraph 11d then needs to be considered. This allows for applications to be determined either on the basis of 11di, or 11dii.

As stated above, based on the information available (see discussion in relevant sections below), it is not considered that the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, as set out in NPPF 11(d)(i).

Therefore, the 'titled balance' as set out in NPPF paragraph 11 is engaged. This states that 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 NPPF taken as a whole.

Conclusion on tilted balance

The tilted balance is engaged. The application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Spatial strategy

As set out above, in local plan terms, the proposed development lies outside of the settlement policy boundary and the housing element of the scheme does not accord with the local plan's spatial strategy, because it is located outside of the settlement boundary, where development is strictly controlled. However, because the 'tilted balance' is engaged, further consideration of adverse impacts is required. In addition, economic development element of the scheme should be considered against CP3 and CP4.

CP2 provides for 1,780 dwellings to be developed in rural areas. The supporting text to CP1 states that these should be in primary and secondary villages and that a rough rule of 15% of dwelling stock at the start of the plan period should be provided. This is to accord with the principle set out in the main part of the policy that growth should be proportionate. This takes completions and permissions that were already in place in the earlier (2006-2013) part of the plan period and results in residual allocation requirements for each village. For Butleigh, the supporting text identifies the figure of 45 dwellings as a "village requirement" (table 8), which equates to about 13.8% of dwellings at the start of the plan period. At that point, there were already 17 completions and consents (1/4/2006-31/3/2013) and as such a residual 28 homes was identified for potential allocation in LPP2.

LPP2 has indeed allocated a site in Butleigh towards meeting the requirement for 45 additional dwellings: Policy BT1: Land at West View, Sub Rd. BT1 is for a minimum of 25 dwellings, but this site has outline consent for up to 32 dwellings (2018/2648/OTS, allowed at appeal). 2023 monitoring also confirms that there have also been 13 completions in Butleigh in the plan period to date (2006-2023, indicating that 4 of the 17 completions and consents identified at the start of the plan period have not in fact been delivered). Therefore, the amount of development in Butleigh has met the amount identified for the village in the plan, although it should be remembered that the plan requirements are expressed as minima, rather than a target.

Given that the plan minimum requirement for Butleigh has been met, to what extent can further housing over and above this amount be considered harmful? One of the principles for identifying the amount of growth for villages was “That levels of new development in each place should be appropriate to their existing scale and have regard to environmental constraints (LPP1 4.31)”. In addition, CP2 also establishes the principle that growth in villages should be proportionate. On this basis 15% was identified as an appropriate amount of growth over the 23-year plan period (2006-2029).

If the 37 dwellings currently being considered were granted planning permission and delivered, this would represent 11% of the dwelling stock at the start of the plan period and would mean that cumulatively the dwelling stock of Butleigh would increase by about 25.3% (based on 324 dwellings at the start of the plan period and 406 committed if this application is granted). This clearly represents an increase on the 15% plan requirement, but to what extent is the amount of development proposed in the current application harmful?

In a recent allowed appeal at Coalpit Lane, Stoke St Michael (2020/0580/OTS), issued 27th January 2023, the inspector considered that “In terms of scale, the proposed development of 47 dwellings is substantial, though not of a level that would be disproportionately large for this village.” Stoke St Michael had about 300 dwellings at the start of the plan period and, like Butleigh a requirement for 45 dwellings was identified in the plan. The Stoke St Michael appeal was allowed, bringing the level of completed committed development in the plan period in Stoke St Michael to 69, which represents growth of 23% in housing stock.

In a recent dismissed appeal at Rode (2021/0071/OTS), issued 21st April 2023, the inspector stated that: *“Overall, this cumulative growth would result in Rode’s housing stock increasing by around 30% since the start of the plan period. This would be significantly higher than the proportionate 15% envisaged by the spatial strategy, which, in my view, would result in an excessive amount of unplanned development in this location. I acknowledge that some other primary villages have delivered growth above the level in LP1, some to higher levels than the proposed 30% housing growth in Rode. However, development in other primary villages will have been determined based on the specific circumstances and factors relevant to each individual settlement. I do not have sufficient evidence to determine whether these villages are directly comparable to Rode and even if they were I must determine this appeal on its own merits.”* That application was for 49 dwellings.

In another recent dismissed appeal at Beckington (2020/2298/OTS), issued 7th October 2022, 45 dwellings were proposed and the inspector considered the 45 dwellings would represent disproportionate growth, although here, completions and commitments already amounted to 40% growth in stock, before considering the additional 45, which would take that figure to 53%.

In terms of the above appeals, cumulative growth of 23% at Stoke St Michael was not considered disproportionate, whereas growth of 30% (Rode) and 53% (Beckington) was considered to be disproportionate.

The current application at Butleigh would result in cumulative committed growth of 25%.

In considering whether 25% cumulative growth would be disproportionate for Butleigh, and taking account of the comments of the inspector in the Rode decision, about the circumstances specific to each village, it is considered appropriate to assess the core facilities that were used to identify primary villages, in CP1. The core facilities are:

- A primary school.
- A shop meeting a range of daily needs.
- A meeting place (whether a public house or a village hall).
- A public transport service that allowed people to at least reach a nearby town by 9am and return them to their village after 5pm.

Somerset Education have confirmed sufficient capacity is available at the primary school in Butleigh. Butleigh has a shop (Butleigh Post Office), which provides a range of local services and goods, there is a village hall, however, according to the Rural Settlement Services and Facilities Study: Draft Village Profiles, October 2022, public transport is considered to be limited. Street is only 12 minutes by bus, but services are infrequent.

Therefore, the core facilities that were used to identify primary villages, in CP1 are still available in Butleigh.

Therefore, a 25% increase in dwelling stock at Butleigh (which is between the 'proportionate' 23% at Stoke St Michael and the 30% 'disproportionate' at Rode) and taking into account the reasonably good level of 'core facilities' available in Butleigh, it is considered that the proposed level of growth would not be disproportionate.

With regard to the economic development parts of the scheme (the café and work hub units), these need to be considered against policies CP3 and CP4.

CP3 states that economic development uses in rural areas should be considered in line with CP4. CP4 gives policy support in rural areas for proposals that:

“(a.) deliver modest clusters of flexible premises able to meet the needs of the rural economy in the Primary Villages identified in Core Policy 1, or (b.) enable the establishment, expansion and diversification of business in a manner and of a scale which is appropriate to the location and constraints upon it...”

It is considered that both (a.) and (b.) provide policy support to the café and work hub units. This is because the units, all being within use class E, offer flexibility, and are considered to be appropriate in scale and form to the location and its constraints.

Conclusion on spatial strategy

Housing element

Based on the proportion of cumulative development that would arise as a result of this application being 25% of the dwelling stock and the start of the plan period, and that this is in between the 23% that was considered acceptable at the Stoke St Michael appeal and the 30% that was considered unacceptable at Rode, and taking into account the reasonably good level of ‘core facilities’ available in Butleigh, it is considered that the proposed level of growth would not be disproportionate. The growth is not considered to result in demonstrable harm. It is also relevant that the plan is in its latter stages and furthermore, the allocated site at Sub Road only has outline consent. Therefore, the homes on the application site and the allocation site are unlikely to be delivered much before the end of the plan period.

Overall, the cumulative level of growth that would arise as a result of granting permission for this application is to result in a **neutral effect** in terms of the proportionate growth of settlements.

However, the council is unable to demonstrate a five-year supply of housing site in the Somerset East area and can demonstrate a supply of 2,213 homes, which is 3.24 years’ worth. This is a shortfall of 1,201 homes against the requirement of 3,414. It is therefore considered that the contribution of 37 dwellings would be highly beneficial in terms of overall housing supply. Given the current shortage of housing supply the provision of 37 homes, including 11 affordable homes, at a primary village is considered a **significant benefit**.

Café and work hub units element

As stated above, it is considered that the café and work hub units are consistent with the local plan. However, while they are considered consistent with the local plan, the benefits that would arise due to these units is only considered **limited to moderate**, based on the floorspace proposed and the limited details of need.

Design and sustainability

Policy DP1 requires that all development proposals should 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.

Policy DP7 requires new development to be of high-quality design which are usable, durable, adaptable, sustainable and attractive places. Development should demonstrate and appropriate design response in terms of:

- Scale, mass, form and layout.
- Energy efficiency, sustainable construction techniques.
- Sustainable drainage.
- Renewable energy generation on site.
- Water efficiency measures.
- Waste reduction, recycling and reuse.
- Local or recycled materials.
- Accessible.
- Crime prevention.
- Construction management.

DP1: Local identity and distinctiveness

In terms of local identity and distinctiveness, the most important features of the existing site are considered to be the undeveloped field itself, the surrounding hedgerows and trees, in particular the row of nine trees on the south-eastern side of Baltonsborough Road, on the approach to Butleigh.

The proposed development would result in the loss of one of the nine trees referred to above, in order to create the principal access to the site. Hedgerows around the site would be retained, with the exception of a short section to be removed to create the access.

The proposed development also includes a significant number of new trees to be planted. This includes around 60 fruit trees (apple, sweet cherry, pear and plum), which are mostly grouped together to form a small orchard along the north-western boundary and up towards the north-western corner of the site. This will provide free access to healthy food to residents, in accordance with NPPF paragraph 96.

The proposed development would result in the loss of around a third of the 12-hectare site as an agricultural field. Such fields are considered part of the identity of Butleigh as a rural village.

However, around two-thirds of the site would remain as public open space, swales and agricultural field and would be publicly accessible via the permissive footpath to the site periphery, whereas there is currently no public access to the site.

In terms of materials, the development features blue lias natural stone to all front elevations, with some house types using this material on all sides. Render is used to side and rear elevations on the remaining house types, except for the barn-style houses. The barn-style houses have some timber cladding to the principal elevation but again, the main walling material is blue lias. Roof coverings are slate or clay tiles. Boundary treatments are either blue lias walls or estate railing in black. All of the selected materials are considered to be characteristic of the local context.

Architectural treatment is traditional in appearance and is considered reflective of the local vernacular, albeit designed to contemporary standards resulting in dwellings that are generally larger than some of the older dwellings found in the village.

In terms of the effect of the proposed development on local identity and distinctiveness, the loss of a third of the site as a field in agricultural use is considered to result in moderate harm to local identity. The loss of the short section of hedgerow and tree T6 to create the principal access is considered to result in limited harm. The planting of around 60 fruit trees is considered a moderate benefit.

The use of locally appropriate, high-quality materials and an architectural response that reflects local vernacular is considered to strengthen local identity and is considered a moderate benefit in terms of local identity.

Overall, the impact on local identity and distinctiveness is considered to be **limited harm to a neutral impact**.

DP7: Design and amenity of new development

Policy DP7 is supported by the Design and Amenity of New Development supplementary planning document (SPD), which provides additional detail on the implementation of the policy. This is referred to below where relevant.

While there is some crossover between DP1 and DP7, DP7 focusses on the wider aspects of design, rather than local identity and distinctiveness.

The overall aim of DP7 is to achieve “*high quality design which results in usable, durable, adaptable, sustainable and attractive places.*” It is considered that the proposed development achieves all of these overarching aims of DP7. The high-quality materials, architecture, as discussed in the section above, reflect how compliance with this policy is achieved, as does the generous provision of open space. The scale, mass, form and layout is also considered to be appropriate to the local context. The proposed development is 1-2 storey in height and features dwelling sizes characteristic of the area. The materials and architectural treatment, as discussed in the section above, is considered to be high quality and appropriate to the context. While the development site, at 11.8 hectares, is fairly significant in size, when compared to the village as a whole, around two thirds of the site would not be developed. Car parking is predominantly on-plot, meaning there are no vehicle-dominated street scenes.

The proposals include a café building and seven “work hubs”, as in use class E: commercial, business and service. Class E includes a wide range of uses such as artist studios, barbers, crèches, gyms, hairdressers, music studios and osteopaths and thus offers adaptability.

A sustainability statement accompanies the application, by AES sustainability consultants. This states that the development will achieve carbon emissions that are significantly lower than that required by the building regulations (part L 2021, which applies from June 2023). According to the sustainability statement, the fabric efficiency of all house-types exceeds that required in the building regulations by 4-11%. The sustainability statement further states that with air source heat pumps and solar photovoltaic panels, significant carbon dioxide emissions reductions, compared to the building regulations targets can be achieved, of between 65% and 94%. The sustainability statement considers that ASHP is the best option and solar PV feasible. DP7 states that development should ‘maximise’ renewable energy generation on site and therefore it is considered reasonable and necessary to condition the provision of both ASHP and PV.

Policy DP7 also requires the maximising of opportunities for the use of water efficiency measures, recycling and conservation. In order to achieve this, it is considered necessary and reasonable to attach a condition requiring the provision of rainwater harvesting (e.g. water butts).

A condition requiring the submission of a construction management plan is a standard condition attached to this type of scheme and is considered reasonable and necessary to ensure that the amenity of nearby neighbours is protected during the construction period, as far as is reasonably practicable.

DP7 also requires the incorporation of sustainable drainage systems. The site will contain sustainable drainage features, to improve water quality and provide storage. The scheme has been designed to attenuate flows to the 1:100 year plus 40% climate change allowance. This is covered in more detail in the section on drainage but it should be added here that the lead local flood authority (LLFA) had reviewed the drainage strategy and considers it to be acceptable.

In terms of amenity of existing and future occupants, this is dealt with in the section on environmental protection.

Overall, the application is considered to respond positively to DP7. The impact is considered to be a **moderate benefit**.

Open space and green infrastructure

Policy DP16 Open Space and Green Infrastructure of Local Plan Part 1, states that all new development will make a contribution to new open space, including accessible natural greenspace, to meet the needs of the growing population. DP16 also states that new open space should be provided on site and its future management provided for. The amount or type of required open space is not specified in the policy.

However, the supporting text to the policy states that the *“National Playing Fields Association’s long-standing standard of 2.4ha of new space per additional 1,000 people will remain the benchmark level of new provision sought within Mendip”*. This standard is also known as the six-acre standard. The National Playing Fields Association is now known as Fields in Trust.

Policy DP16 is also supplemented by the Greenspace SPD, which requires that proposals for new residential development to have regard to a more recent publication by Fields in Trust, *“Guidance for Outdoor Sport and Play, Beyond the six Acre Standard”* published Nov 2020. This states that developments of 11-200 dwellings should provide a local area of play (LAP), usually designed for children of six years and under, of 0.01 hectares and a locally-equipped area of play (LEAP), designed for children who are beginning to go outside and play independently, of 0.04 hectares as a minimum. A contribution to an off-site multi-use games area (MUGA) should also be provided.

The proposed development will provide both a LAP and a LEAP on-site, to meet the above size standards. A contribution to a MUGA will also be made. All three will be secured as part of the legal agreement. The landscape plans show the locations of the proposed LAP and LEAP, both of which meet the required sizes.

Based on an average dwelling occupancy of 2.1 persons per dwelling, 37 dwellings equates to approximately 78 people living on site (2.1 persons x 37 units). Based on the requirement of 2.4 hectares per 1,000 population, the required area of public open space for 78 people would be 0.19 hectares. In addition to the LEAP and LAP, 1.4 hectares of land would be provided as tree planting and swales, in addition to the permissive footpath to the periphery of the site. The tree planting and footpath are together considered to represent a **significant benefit**.

Housing tenure and size

Tenure

Policy DP11 requires that that 30% of the total number of new homes be provided in affordable tenures. The vast majority of affordable housing is delivered in this way and therefore achieving a policy-compliant level of affordable housing is attributed significant weight. This development proposes a policy-compliant level of affordable housing, with 11 affordable housing units proposed. Of these, seven would be for social rent and four would be First Homes. This is considered a **significant benefit**.

Size

The breakdown of housing by size and tenure is as follows.

- 26 (70%) open market, 11 (30%) affordable
- 2-beds: 7no (all affordable)
- 3-beds: 16no (4no affordable, 12no open market)
- 4-beds: 12no (all open market)
- 5-beds: 2no (all open market).

DP14 states that “proposals for residential development should provide an appropriate mix of dwelling types and sizes.” The policy continues that the Strategic Housing Market Assessment (SHMA) and other local evidence such as the Local Housing Needs Assessment in rural areas should be reflected in proposed housing mixtures. The SHMA is considered the appropriate evidence, although it dates from 2016 and is therefore somewhat out of date. The SHMA states indicative targets for the former Mendip area for open market housing are those shown in the left column below. The right column shows the proposed provision.

Target (open market housing)	Proposed (open market housing)
1-bed 5-10%	0
2-bed 30-35%	0
3-bed 40-45%	12no (46%)

4-bed 15-20%	12no (46%)
5-bed 0%	2no (5%)

As can be seen from the table above, there is an under provision of one and two-bed open market dwellings and an over provision of four and five-bed open market dwellings. There is under provision for smaller homes, most significantly so with regard to 2-bed homes.

In terms of affordable housing, the council’s housing enabling officer has commented that the affordable housing mix and tenure approach adheres to demand and housing needs evidence. This mix would be secured via legal agreement.

The sizes of houses proposed will contribute to the demand that there is for these sizes of houses, which is a benefit. However, the mix could be improved with greater provision of 2-bed homes, and therefore the overall approach to housing mix is considered a limited benefit.

Overall, accounting for the policy-compliant level of affordable housing, the approach to tenure and size is considered a **significant benefit**.

Education

The council’s education department has confirmed that there is sufficient school capacity at present. The proposed development would therefore have a **neutral effect** in terms of school capacity. This also means that contributions for education cannot be sought.

Heritage assets

The potential for archaeological remains of local significance has been identified by South-West Heritage Trust. However, the Trust recognises that the geophysical survey report indicates that there are no archaeological assets on the site that would preclude development. SWHT recommends that a Programme of Works in Accordance with a Written Scheme of Investigation (POWWSI) be secured through a pre-commencement condition to any permission. This is considered reasonable and necessary.

There are no listed buildings on site and the site lies outside Butleigh Conservation Area, although the south-western corner of the site is adjacent to the conservation area. There is no conservation area appraisal for Butleigh Conservation Area and therefore the special interest of the conservation area is not freely available to refer to. However, there is very limited intervisibility between the site and that part of the conservation area that is adjacent to this site and harmful effects on the wider conservation area are considered unlikely, as there would be no or limited intervisibility between the two elsewhere. Part of the conservation area stretches to the north of Butleigh, and this is understood to take in a

designed landscape (parkland) associated with Butleigh Court (grade II listed). However, intervisibility is limited to none and therefore it is considered that no harm would arise to the conservation area as a result of the proposed development.

There are no listed buildings that would be affected by the proposed development. St Leonard's Church is not visible from the site or vice versa and the site can only be seen after walking some 250m from St Leonard's, in the field to the north-east of the church. This is not considered to represent any harm to the significance of the heritage asset. Some other listed buildings are closer as the crow flies from the site but are not visible at eye level, due to intervening buildings.

To conclude on heritage, no harm to the significance of any heritage assets would arise as a result of a grant of planning permission but it is considered reasonable and necessary to add the POWWSI as recommended by SWHT. This is considered to result in a **neutral effect**.

Landscape

The site is not located within a national landscape (NL, formerly known as area of outstanding natural beauty) and it is not within the setting of one (the Mendip Hills NL is 12km north and the Cranbourne Chase NL is 22km east). Nor is the site located within a special landscape feature (SLF) or its setting (the nearest is Butleigh Park/Cedar Avenue, around 0.5km west of the site, but there is no intervisibility between the site and the SLF).

A landscape impact statement carried out by Paul Swan chartered landscape architects has been submitted as part of the application. This evaluates the site as being not remote from the built form of the village and that the proposed development would not result in the loss of any distinctive features. The evaluation also considers the proposed development to be reflective of the local landscape character with hedge and tree planting and continuation of similar vernacular of housing density to that found in the more modern dwellings on the eastern edge of the village. Materials selection (lias, slate and clay) and building heights of 1-2 storeys is considered by the evaluation to be sympathetic, seen as part of the more modern edge to the village.

While it is noted that the proposed development would result in the development of an agricultural field, which would clearly result in significant localised change to the landscape, the landscape impact is considered to be tempered by the retention of landscape features characteristic of the area such as the hedgerows and importantly, the site lies outside of any landscape designation or its setting and the flat topography of the site and surrounding area means that the development would not be seen in longer or

even medium-distance views. Overall, the landscape impact is considered to result in **limited to moderate harm**.

Loss of countryside land and agricultural land

The NPPF (para 180) states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by...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...”

Paragraph 180 deals with both the character and beauty of the countryside and agricultural land as a resource. The character and beauty elements of this policy have been considered in relation to landscape and local identity and distinctiveness. However, the issue of loss of agricultural land still needs to be considered.

The site is classified as grade 3b under the Agricultural Land Classification System, which according to the NPPF is not the best and most versatile agricultural land. Therefore, the loss of agricultural land, while currently in use for crops, is only considered to result in **limited harm**.

Ecology

Phosphates

The application site is within the fluvial catchment of the Somerset Levels & Moors Ramsar Site. The Somerset Levels & Moors is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). In the absence of mitigation, the application will add phosphorus to the catchment of the designated site due to the increase in dwellings proposed.

A shadow Habitats Regulations Assessment and phosphates mitigation proposals have been submitted with the application.

The required mitigation will be achieved through the use of 32.14 hectares at Higher Hill Farm to the North of Jarmany Hill, Glastonbury TA11 6DA and 3.944 hectares located at Manor Farm West Lydford, TA11 7BT. The mitigation land will cease to be used for cereal production as it is currently and instead woodland will be created.

In relation to the above, both Natural England and Somerset Ecology Services are satisfied that subject to the implementation and maintenance in perpetuity of the proposed

mitigation, there would be no harm to the Somerset Levels and Moors Ramsar site. The mitigation can be secured through a legal agreement.

The phosphate mitigation strategy would be secured through a legal agreement.

This is considered to be a **neutral effect** as the phosphates strategy is mitigation only.

Biodiversity net gain

An ecological impact assessment report (October 2021) and addendum ecological impact assessment report (July 2023) have been submitted with the application. The addendum was submitted after changes to the layout of the scheme were submitted in September 2023. The addendum concluded that the changes did not significantly alter the conclusions reached in the initial assessment, that the site would result in a significant biodiversity net gain. Original calculations provided within the 2021 EcIA were undertaken using the 3.0 metric and as such for comparison and in line with DEFRA guidance, this metric has continued to be used for the purpose of the addendum report. This indicates that the development proposals will result in a 38.40% net gain in linear-based habitats and a 18.28% net gain in area-based habitats. This is clearly significantly above the current policy requirement to achieve biodiversity net gain and is also above the new requirement for 10% net gain (which applies to applications submitted after 12th February 2024).

This is considered a **moderate benefit**, based on the high level of biodiversity net gain that will arise from the development.

Environmental protection

Policy DP7 states that 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.
- Public health and safety.

Biodiversity is dealt with in the ecology section.

The proposed development would introduce some noise into an area of countryside that is currently quiet. New sources of noise would come from construction activities while the

site is being built and this includes off-site noise arising from construction traffic reaching the site. The Environmental Protection (EP) team are satisfied that this would be within acceptable limits, subject to conditions restricting deliveries and collections, restrictions on hours when noise-generating activities may take place, the provision of a construction environmental management plan (CEMP)

Post-construction, noise levels will be higher than they currently are on site, due to vehicular movements and activities associated with residential use, such as lawnmowing, music and children playing.

While the construction traffic noise is likely to disturb residents, the duration will be limited. Limited harm is attributed to this. Post-construction activities are considered a normal part of residential use and in any case unlikely to disturb people who live elsewhere in the village. This therefore results in no harm.

EP has identified the potential for noise impacts on proposed dwellings from external sources and from the café and work hubs on existing residents and have requested conditions to assess and mitigate these are attached to any permission. This is considered reasonable and necessary.

During construction, air quality is likely to be affected by construction dust. This would be mitigated in the CEMP and the council's environmental protection team is satisfied with this approach.

EP also require details of cooking facilities in the café to be provided and agreed by the council pre-commencement.

Wessex Water initially raised concerns with regard to odour, but this objection has been withdrawn, after the layout was amended.

The proposed development would introduce some lighting into an area of countryside that is currently unlit. No details of lighting have been provided. However, EP are satisfied that this can be dealt with through a condition on external lighting, including lighting for bats.

While people understandably value views from private properties across land outside their ownership, the planning system does not protect views from private properties across land owned by third parties. Loss of these types of views is therefore not a material consideration in the determination of this application.

The scheme has been designed to avoid amenity issues such as overlooking and overbearing.

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

Highways, transport and access

Highways impact

A transport statement was submitted when the application was initially submitted in December 2020 and was revised in June 2023 to address minor change to the scheme layout and again in January 2024, to address comments from the local highway authority. In summary, the local highway authority raises no objection to the principal of the proposed development, but a number of issues remain that can be dealt with after planning permission has been granted, as part of the s106 agreement and the s38 and s278 processes. A s278 agreement allows for alterations to be made to the existing highway and will be needed in order to create the principal access. A s38 agreement relates to the adoption and maintenance of new highways by the highway authority and they cannot be entered into until planning permission has been granted.

The transport impact of the proposed development is therefore considered to be acceptable.

Parking

The Somerset County Council Parking Strategy 2013 was written by one of SC's predecessor authorities but continues to apply to the SC area. This sets out parking standards for residential development, which are zoned based on 'accessibility', and for Zone C, which covers the more rural parts of Somerset, including Butleigh, the parking standards are as follows:

	Requirement	Proposed dwellings	Total spaces required	Total provided
1-bed dwelling	2 Car Parking Spaces	0	0	0
2-bed dwelling	2.5 Car Parking Spaces	7	17.5	14
3-bed dwelling	3 Car Parking Spaces	16	48	60
4-bed dwelling	3.5 Car Parking Spaces	12	42	48

5-bed dwelling	Not specified (3.5 assumed)	2	8	8
Visitors spaces	0.2 Car Parking Spaces per dwelling	37	7.4	3
Café and work hub	No longer applicable due to introduction of use class E.	N/A	N/A	13

The proposed development under provides in terms the 2-bed dwellings and the visitor parking. However, the development over provides for the 3 and 4-bed dwellings, which make up 75% of the development over provide, so it is not anticipated that the lack of visitor spaces would have a negative result, as visitors could park on plot in most cases.

A policy-compliant level of parking is also provided overall and the slight under provision is not anticipated to result in any measurable harm.

Locational sustainability

The site is located on the north-eastern side of the village. The recreation field is located between the site and the settlement boundary of the village, except for along the south-western edge of the site, which abuts the settlement boundary. This part of the site includes two pedestrian access points, one opposite Admiral’s Mead and a second opposite the corner of Back Town as it proceeds south towards Henley Lane. A further pedestrian access is provided to the boundary of the village hall and recreation ground and access via this route would be controlled by a lockable gate. It is understood that the recreation ground is not open to the public at all times, hence the need for a lockable gate. The vehicular access to the site would be located on Baltonsborough Road.

The pedestrian access opposite Admiral’s Mead allows for on pavement pedestrian access via Admiral’s Mead and a footpath at the end of Admiral’s Mead to High Street. From here, the primary school, shop, bus stop and church are all accessible along pavements. This would be within a ten-minute walk for even the furthest away homes in the proposed development. Pavements are to be provided throughout the development.

Therefore, the accessibility of the development to the rest of the village and in particular, the main services, is considered to be good.

As set out in the transport assessment, Butleigh is served by a local bus and the national cycle network runs through Baltonsborough and other lanes are suitable for cycling. However, as set out in the 2011 census returns included in the transport statement, the vast majority of commuting was by private car or van. The 2021 census was significantly affected by covid-19, with the third national lockdown starting on 6th January 2021 and in place until 29th March 2021. The census took place on 21st March 2021. Patterns of commuting would have been temporarily affected and some commuting patterns would have changed permanently, with more people working for home.

Commuting is only one part of the picture about what makes a place sustainable and even with changed working patterns, such as more people working from homes, trips for essential and leisure activities will still need to be made. In the case of Butleigh, Street offers most of the regular essential destinations such as supermarkets and secondary schools, and is located 3-3.5 miles from Butleigh. This is a nine-minute drive, 16 minutes by bus or 19 minutes by bicycle. Street is considered too far to walk for any regular needs.

Taking account of information from the 2011 and 2021 censuses, it is considered most trips to and from Butleigh are likely to be made by private car. That means that any new development is also likely to result in travel patterns that are predominately made by private car.

However, the local plan has identified Butleigh as a sustainable location for growth, as long as it is proportionate. As discussed above, it is considered that the proposed development would not result in disproportionate growth. This is therefore considered to result in a **neutral effect**.

Construction traffic

As stated above, Butleigh is identified as a primary village and therefore the principle of development at the village has been accepted in the local plan. All development sites require access for their construction and this involves some impacts on road and local amenity for a limited time. However, these impacts can be reduced through the planning process, including through the use of conditions. In this case if permission were granted, it is proposed to attach conditions regarding construction hours, a construction traffic management plan and construction management plan. This is considered to result in limited harm.

Land drainage and flood risk

Both the Internal Drainage Board (IDB) and the Lead Local Flood Authority (LLFA) have had a significant level of input into layout in order to ensure flooding and drainage issues are addressed adequately.

Both the IDB and the LLFA are satisfied that the development will not give rise to unacceptable impacts on flooding or drainage, subject to the imposition of pre-commencement conditions to any permission. The proposed development is therefore considered to accord with local plan policy DP23.

The impact on drainage and flood risk is therefore considered to be **neutral**.

Other matters

S106 legal agreement

Should the planning committee grant planning permission, this would be subject to a s106 legal agreement, covering contributions for the following.

- Affordable housing
- Health (NHS): £15,072 financial contribution
- Landscape and ecology management plan
- Local area of play (0.01Ha) & locally equipped area of play (0.04Ha)
- Multi-use games area (£16,825 financial contribution)
- Management of public open space
- Management of work hub units
- Phasing
- Phosphates mitigation
- Travel plan provisions

The above are considered to meet the requirements of regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 56 of the NPPF:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- fairly and reasonably related in scale and kind to the development.

Planning balance

The harms and benefits associated with the appeal scheme are outlined below in accordance with the following hierarchy:

Substantial benefit/harm
Significant benefit/harm

Moderate benefit/harm
Limited benefit/harm
Neutral effect

Benefits

Market & affordable housing

The contribution to the overall housing supply is considered a **significant benefit**, in the light of the significant shortfall of 1,201 homes, against a five-year supply requirement of 3,414 homes.

Economic development

The proposed development would include a café and seven “work hub units”, 205sqm in total. This is considered to be a **moderate to limited benefit**. The implementation of the economic uses would be ensured through a phasing condition and its ongoing management through a management company secured through legal agreement.

Construction jobs

The appeal scheme would create jobs during construction. However, this benefit would only last for the construction period and as such considered a **limited benefit**.

Design and amenity

The application is considered to respond positively to DP7. The impact is considered to be a **moderate benefit**.

Biodiversity

The proposals are considered a **moderate benefit**, based on the high level of biodiversity net gain that will arise from the development.

Public open space

The LAP and LEAP are considered necessary to make the development acceptable. The tree planting and footpath are an additional benefit and together are considered to represent a **significant benefit**. Ongoing management of the public open space would be by management company, which would be secured through legal agreement.

Harms

Local identity and distinctiveness

As set out above, overall, the effect of the proposed development on local identity and distinctiveness is considered to result in a **limited harm to a neutral impact**

Landscape

As set out above, overall, the landscape impact is considered to be **moderate to limited**.

Loss of agricultural land

As the land is not best and most versatile, this is considered to result in **limited harm**.

Construction traffic

All development sites require access for their construction and this involves some impacts on road and local amenity for a limited time. Due to the limited duration this is considered a **limited harm**.

Neutral effects

Growth over and above local plan minimum requirement for Butleigh

As set out above, this is considered to result in a **neutral effect**.

Location

the local plan has identified Butleigh as a sustainable location for growth, as long as it is proportionate. As discussed above, it is considered that the proposed development would not result in disproportionate growth. This is therefore considered to result in a **neutral effect**

Heritage assets

No harm to the significance of any heritage assets is anticipated to arise as a result of the proposed development and the archaeological condition would ensure that any significant buried remains are appropriately recorded. This is considered to result in a **neutral effect**.

Phosphates

As set out above, the development would effectively mitigate negative impacts on the Ramsar site and protected species. This is therefore considered to result in a **neutral effect**.

Drainage and flood risk

The impact on drainage and flood risk is therefore considered to be **neutral**.

Impact on drainage

As set out above, both the IDBB and LLFA are satisfied with the proposed development in terms of flooding and drainage, which is considered to result in a **neutral effect**.

Summary of planning balance

Benefits	
Market & affordable housing	Significant benefit
Economic development	Moderate to limited benefit
Construction jobs	Limited benefit
Design and amenity	Moderate benefit
Biodiversity	Moderate benefit
Public open space	Significant benefit
Harms	
Local identity and distinctiveness	Limited harm to a neutral impact
Landscape	Moderate to limited harm
Loss of agricultural land	Limited harm
Construction traffic	Limited harm
Neutral effects	
Growth over minimum requirement for Butleigh	Neutral
Location	Neutral
Heritage assets	Neutral
Phosphates	Neutral
Drainage and flood risk	Neutral

Conclusion on planning balance

The proposed development does not accord with the local plan.

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

Overall harms arising from the proposed development are considered to be moderate. This comes from the collection of harms arising from landscape, loss of countryside and agricultural land. As confirmed above the growth over and above local plan minimum requirements and site's location (directly adjacent to a primary settlement within the defined hierarchy) are considered neutral in terms of impact.

As discussed in the section above on the principle of development, the tilted balance is engaged which means that the application should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the NPPF taken as a whole. This situation applies, despite the fact that the proposed development does not accord with the local plan.

In view of the overall conclusions on the harms and the benefits of the proposed development, the adverse impacts are not considered to significantly and demonstrably outweigh the benefits. Therefore, planning permission should be granted.

Environmental impact assessment

This development is not considered, at this time, to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development area is 4.4 hectares and the number of dwellings 37, which are below the relevant thresholds in both cases.

Equalities Act

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

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

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

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

2. **Plans List (Compliance)**

This decision relates to the following drawings:

- o 1388/001_Location Plan
- o 1388/002_Existing Block Plan
- o 1388/003_Existing Block Plan
- o 1388/300C_Proposed Site Plan
- o 1388/301C_Proposed Site Plan
- o 1388/302D_Proposed Landscape Plan
- o 1388/303C_Proposed Landscape Plan
- o 1388/304A_Proposed Plans - House Type C
- o 1388/305_Proposed Plans - House Type E Attached
- o 1388/307B_Proposed Plans - House Type D
- o 1388/310B_Proposed Drawings - Garage
- o 1388/315A_Proposed Plans - Barn 3a
- o Design and Access Statement Part 1_Rev B
- o Design and Access Statement Part 2_Rev C
- o Design and Access Statement Part 3_Rev C
- o Energy and Sustainability Statement_May 2023 (20.06.2023)
- o Arboricultural Impact Assessment & Tree Protection Plan (23.11.21)
- o Arboricultural Method Statement (23.11.21)
- o TR-1_Tree Removal Plan
- o TPP-1_Tree Protection Plan
- o 1388/316B_Proposed Plans - Barn 3b
- o 1388/317B_Proposed Roof Plan - Barn 3b

- o 1388/318C_Proposed Accommodation Schedule
- o 1388/319A_Proposed Plans - Cafiz½ and Units
- o 1388/320A_Proposed Roof Plans - Cafiz½ and Units
- o 1388/327_Proposed Drawings - Garages
- o 1388/330A_Proposed Plans - 2 Bed Affordable Housing
- o 1388/331_Proposed Plans - 3 Bed Affordable Housing
- o 1388/332_Proposed Plans - House Type G
- o 1388/333_Proposed Roof Plans - House Type G
- o 1388/334_Proposed Plans - House Type H
- o 1388/335_Proposed Roof Plans - House Type H
- o 1388/336_Proposed Plans - House Type J
- o 1388/337_Proposed Roof Plans - House Type J
- o 1388/338_Proposed Roof Plans - Barn 3a
- o 1388/350A_Proposed Landscape - Overall Strategy
- o 1388/351A_Proposed Landscape - Boundary Strategy
- o 1388/352A_Proposed Landscape - Tree Strategy 1
- o 1388/353A_Proposed Landscape - Tree Strategy 2
- o 1388/354A_Proposed Landscape - Tree Strategy 3
- o 1388/355A_Proposed Landscape - Planting Strategy
- o 1388/356A_Proposed Landscape - Hard Landscaping
- o 1388/360_Proposed Visuals
- o 1388/400_Proposed Elevations - House Type C
- o 1388/401_Proposed Elevations - House Type E
- o 1388/403B_Proposed Elevations - House Type D
- o 1388/409A_Proposed Elevations - House Type 3a
- o 1388/410B_Proposed Elevations - House Type 3b

- o 1388/411A_Proposed Cafe Elevations
- o 1388/420A_Proposed Elevations - 2 Bed Affordable Housing
- o 1388/421_Proposed Elevations - 3 Bed Affordable Housing
- o 1388/422_Proposed Elevations - House Type G
- o 1388/423_Proposed Elevations - House Type H
- o 1388/424_Proposed Elevations - House Type J
- o 1388/430_Proposed Elevations - Units
- o 1388/500A_Proposed Site Sections and Elevations
- o Drainage Strategy_Rev 2 (09.11.22)
- o Flood Risk Assessment_D/I/D/141446/02
- o SuDS Maintenance Plan_P1 (20.07.22)
- o 140448-SK01-01_P6_Drainage Overview
- o 140448-SK01-02_P6_Drainage Overview
- o 140448-SK02-01_P2_Site Levels
- o 140448-SK02-02_P2_Site Levels
- o 140448-SK03-01_P4_Tracking
- o 140448-SK03-02_P4_Tracking
- o 140448-SK04-01_P2_Visibility
- o 140448-SK04-02_P2_Visibility
- o 140448-SK05-01_P2_S38 Adoption Areas
- o 140448-SK05-02_P2_S38 Adoption Areas
- o 140448-SK07-01_P1_Adoptable Drainage Construction Details
- o 140448-SK07-02_P1_Adoptable Drainage Construction Details
- o 140448-SK08-01_P3_Flood Exceedance Plan
- o 140448-SK08-02_P3_Flood Exceedance Plan
- o 140448-SK09_P3_Catchment Plan

- o 140448-SK12-01_P1_Fire Tracking
- o 140448-SK12-02_P1_Fire Tracking
- o Phosphate Mitigation Strategy_Rev C
- o Ecological Impact Assessment_October 2021(28.10.2021)
- o Shadow Habitats Regulations Assessment (HRA)_July 2023 (21.07.2023)

: To define the terms and extent of the permission.

3. **Archaeology - Watching Brief (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Development Policy 3 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.

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

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a

programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Development Policies 7, 8 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

5. **Garages (Compliance)**

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

Reason: To ensure adequate off-street parking provision is retained in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Electric Vehicle Charging (Pre Occupation)**

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

Reason: To encourage use of electric vehicles and reduce carbon dioxide emissions in accordance with the Somerset County Council Electric Vehicle Charging Strategy (2020), Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development:

Guidance for interpretation of Local Plan Development Policy 7 (adopted March 2022).

7. Hard and Soft Landscaping (Compliance)

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

Reason: To ensure the provision of an appropriate landscape setting for the development and the character and appearance of the area, and that the proposal does not impact on highway safety or flood risk in accordance with Development Policies 1, 3, 4, 7, 9, 10, 22 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Sample - Roofing (Bespoke Trigger)

No construction of the roof of the development shall commence until a sample of all external roofing materials has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

9. **Sample panel - Walling (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a sample panel of all external walling materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed. The development shall be undertaken in accordance with the approved details.

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

10. **Water Efficiency - Rainwater Harvesting (Pre-occupation)**

Each dwelling shall not be occupied until it is served by a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of water efficiency in accordance with Development Policies 7 and 23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

11. **Air Source Heat Pumps (Pre Occupation)**

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

Reason: To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip

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

12. **Solar panels (Pre-occupation)**

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

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

13. **Noise Mitigation (Pre-occupation)**

The use hereby permitted shall not commence, until a noise mitigation scheme to demonstrate that the development will be constructed to provide sound attenuation against external noise in accordance with BS8233:2014 has been submitted to and approved in writing by the Local Planning Authority. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night time respectively. For bedrooms at night individual noise events (measured with F timeweighting) shall not (normally) exceed 45dBLAmax. The noise mitigation scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent excessive noise and protect the residential amenity of occupiers in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the details of the noise mitigation features need to be known before development commences to ensure that appropriate noise levels can be achieved and to avoid the need for retrofitting.

14. **Cafe and work hub units - Ventilation and Extraction (Pre-commencement of use)**

The use of the "cafe" and "work hub units", as identified on the approved plans, hereby permitted shall not commence until a detailed scheme for the ventilation and extraction of fumes/cooking smells has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork and filters; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be installed in accordance with the approved details prior to the commencement of the use and thereafter maintained as such.

Reason: In the interests controlling odours, excessive noise from plant and protecting residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Construction Environmental Management Plan (Biodiversity) (Pre-commencement)**

No development shall take place on site including ground works or vegetation clearance until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) concerning the site has been submitted to and approved in writing by the Local Planning Authority. The CEEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities and identification of stages of works;
- b) Identification of "biodiversity protection zones";
- c) Details of working hours;
- d) Details of all plant and machinery to be used during site clearance and construction stage, including an inventory of all Non-Road Mobile Machinery (NRMM);

- e) Details of temporary lighting used in construction of for security reasons;
- f) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- g) The location and timing of sensitive works to avoid harm to biodiversity features;
- h) The times during construction when specialist ecologists need to be present on site to oversee works;
- i) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
- j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- k) Use of protective fences, exclusion barriers and warning signs;
- l) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Development Policies 5 and 6 of the Mendip Local Plan Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 15 of the National Planning Policy Framework.

16. **Construction Management Plan (Pre-commencement)**

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

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) delivery and construction working hours.
- g) details of delivery and construction traffic routes to and from the site, including details of temporary signage locations.

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

: To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policy DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

Informatives

1. "Land Contamination - Farms

Due to the nature of farms it would be advised to keep a watching brief for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.

If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

NPPF paragraph 190: *Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.*"

2. **Securing the Acquisition of Third-party Phosphate Credits**

If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.

3. **"Legal Protection Afforded to Bats and Bat Roosts**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation Habitats and Species Regulations 2017 (and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). 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."

"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. "

"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."

"Legal Protection Afforded to Dormice

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

4. **Works Require Legal Agreement with the Highway Authority**

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer is requested to contact the Highway Authority to progress this agreement well in advance of commencement of development."

"Works Require a Licence from the Highway Authority

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require an appropriate licence. For details of the process and to submit applications online please visit www.somerset.gov.uk. Application for such a permit should be made at least four weeks before access works are intended to commence."

