

Application Number	2023/2369/FUL
Case Officer	Nikki White
Site	Crispin Centre High Street Street Somerset BA16 0HP
Date Validated	9 January 2024
Applicant/ Organisation	Churchill Retirement Living
Application Type	Full Application
Proposal	Partial demolition and redevelopment of existing building to retirement living accommodation, 45no. retirement apartments and 11no. retirement cottages with communal facilities, access, car parking and landscaping.
Division	Street Division
Parish	Street Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Simon Carswell Cllr Liz Leyshon

WhatThreeWords:

In order to support members of the Planning Committee to visit the application site, the application site can be found by entering the following words into the What 3 Words website/app (<https://what3words.com/>):

bookshelf.notifying.scales

Scheme of Delegation:

In accordance with the scheme of delegation, this application must be determined by the planning committee. This is because the recommendation is to refuse, the Parish Council supported the application and the divisional member did not submit a comment.

Description of Site, Proposal and Constraints:

The application relates to the Crispin Centre, off the High Street in Street town centre. The site is subject to the following planning constraints:

- Within the town centre boundary and development limits of Street
- Partly within a primary retail frontage – units 1-10 of Crispin Centre
- Part of the site is known or suspected to be contaminated land (Units 1-5 Crispin Centre) – former garage use
- Somerset Moors and Levels Ramsar Risk Area
- SSSI Impact risk zone
- Adjacent to a Willow tree subject to TPO (M302) - 10 Leigh Road
- Adjacent to Council land asset – car park
- The Council also owns the footpath between the car park and the High Street
- Adjacent to an Area of High Archaeological Potential (to the north)
- Listed feature within the site - Buildings of Central Somerset Mural (GII)
- Adjacent to listed Crispin Hall (GII)
- Other listed buildings nearby including:
 - 63-69 High Street (GII)
 - Hindhays (GII)
 - Greenbank Swimming Pool (GII)
 - 48 and 48A High Street (GII)
 - 46 High Street (GII)
- Partly within and adjacent to Street Conservation Area
- Various non-designated/locally listed heritage assets near the site (see Conservation section below).

The applicant describes the site thus:

‘The 0.62ha site comprises of the former Crispin Centre, Leigh Road, Street. The application site includes the 10 units of the Crispin Centre including the larger former Tesco Store and its associated parking.

3.2 The site is located in the centre of Street, to the south of the High Street with vehicular access from Leigh Road to the east.

3.3 The site is an irregular plot of land of circa 0.62 hectares, currently occupied by a large Tesco supermarket, and various other smaller retail units, within the Crispin Centre, a shopping arcade connected to the High Street premises further to the north. The development site also includes car parking areas to the south and west, and a delivery yard and access drive between properties at Nos. 4 and 6 Leigh Road.'

The application seeks to demolish the rear part of the former supermarket and associated land at the Crispin Centre (including units 1-10) and erect retirement living accommodation comprising 45no. retirement apartments and 11no. retirement cottages. The full planning application proposal includes communal facilities, access, car parking, landscaping and other associated development.

The applicant describes the development thus:

'The Proposed Development

5.1 The proposal subject to this application is for the demolition of the existing Crispin Centre and redevelopment of the site to form 45 retirement living apartments and 11 retirement cottages.

5.2 The development will reutilise an existing vehicular access into the site off of Leigh Road leading to a parking court that contains 21 parking spaces for the apartments with an additional 6 spaces for cottages. A mobility scooter store is located on the eastern side of the apartment building, to the south of the Mews Cottages, catering for 8 scooters and is accessed from parking court with an internal door leading into the lodge.

5.3 The proposed development will include a high-quality landscape amenity space in the form of communal garden area which will be maintained in perpetuity by the applicant's sister company, 'Churchill Estates Management'. In addition, there will be internal communal areas including the residents lounge and guest suite.

5.4 The Terrace Cottages are all provided with their own private garden and the Mews Cottages have semi-private space leading into the communal gardens.

5.5 The proposed flatted development is 3 storeys in height, constructed of brick, stone and render with a slate and clay tile roof covering and UPVC windows and doors.'

Turning to proposed age restrictions, the 'Planning Statement' outlines proposals thus:

'2.14 The apartments are sold by the Applicant with a lease containing an age restriction which ensures that only people of 60 years and over with a spouse or partner of at least 55, can live in the development. It is suggested that this is secured by the following condition.

"Each of the apartments hereby permitted shall be occupied only by:

- Persons aged 60 or over; or*
- A spouse/or partner (who is themselves over 55 years older) living as part of a single household with such a person or persons; or*
- Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over has since died; or*
- Any other individual expressly agreed in writing by the Local Planning Authority."*

The application has been accompanied by a Financial Viability Assessment prepared by Alder King. This concludes the proposal due to viability constraints no affordable housing or other obligations can be justified. The supporting 'Planning Statement' confirms that no affordable housing contribution is proposed. The application does not contain agreement to any other obligations triggered by the proposal, including healthcare and public open space.

Upon receipt of the application, the LPA outlined the requirement for an independent review of the submitted viability statement, as required by policy. This was initially agreed in principle by the agent. This agreement was then subject to first understanding the officer view on the planning merits of the application. Following confirmation that officers had significant concerns with the proposal, the agent requested a meeting to discuss these concerns, and outlined the intention to potentially amend the scheme to try to address concerns raised. The LPA agreed to meet with the applicant to discuss design

matters. The agent did not however issue any meeting invitation. Rather, the applicant served notice on the LPA of the intention to lodge an appeal for non-determination.

After various attempts by the LPA to agree a revised target date, a modest revised target date has been agreed on the basis that the LPA accept and consider additional drainage information submitted by the agent seeking to address consultation comments from the LLFA. The agent also submitted some computer generated images. In the basis that a revised target has been agreed, these have also been accepted for consideration by the LPA. No other information has been submitted by the applicant to seek to address any other issues raised by consultees or the case officer.

As the applicant has declined to pay for independent assessment of the submitted viability assessment, this cannot be corroborated as part of the planning application assessment. As such, it cannot be relied upon to justify any flexibility on planning obligations.

As the applicant has served notice on the LPA for an appeal against non-determination, no further information has been received from the applicant to seek to address issues raised through the assessment of the application (or communication from the applicant on the intention to prepare any such information), the LPA now needs to progress to a decision based on the information that has been received.

Procedural Matters:

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

Relevant History:

Various historical records.

- 2016/0446/FUL - External works in connection with subdivision of premises into 4 no. units with flexibility for uses falling within use classes A1 (shops), A2 (financial and professional services), A3 (Food and drink), A4 (Drinking Establishments) and D2 (Assembly and Leisure). Approved 11.04.2016
- 2023/0257/L7PA - Redevelopment of former supermarket into retirement Housing (44 one and two bedroom flats with shared facilities and 10 individual cottages)

Summary of Comments:

Divisional Members: no comments received

Street Parish Council: support

Conditions recommended including:

1. Churchill and associates continue to keep in regular contact to consult with the residents affected by the development as the stages of the build progress, particularly those living in Vestry Road, who have been supportive in communicating their comments and concerns thus far. It would be ideal to see a Residents' Group set up to keep dialogues open as the plans develop.
2. Concerns were raised regarding the additional pressures being created by an influx of new residents affecting primary care facilities, such as: GP surgeries and dentists, not to mention increased traffic generation. SPC would like to see some consideration of these facilities reflected in funds which may be made available by the project. Further information on mitigation strategies will be welcome throughout the process.
3. To be kept informed of crime prevention strategies will be very useful (particularly re: the access routes for the cottages being planned for, as this was raised as a potential concern).
4. To ensure a Build Plan is in place to impose curfews on construction hours to minimise disruption to residents during the preparation and building phases.

5. To consider and update on any concessions for disabled parking (and a drop off) for vehicles no longer able to use the service yard behind the Parish Rooms, including the Volunteer Driver Service and Mendip Community Transport, for instance who provide much needed support to locals in need of affordable transport options.

Highways Development Officer: objection

- The site is to be accessed from Leigh Road with a gate proposed at the access set back from the highway. Leigh Road is a classified un-numbered highway subject to a 30mph speed limit. There are two Personal Injury Collisions recorded along Leigh Road, one classified as slight and the other classified as severe. The details of both have been considered and they would not suggest that there is an inherent risk along this stretch of highway.
- The proposed access is a service/delivery access for the retail unit currently on site. Either side of the proposed access on Leigh Road there are demarcated areas for taxi parking and other areas of demarcation for short term parking or for bus stops. The areas demarcated for taxi parking are likely to have a detrimental impact on the visibility available from the access. Approximately 75m to the northwest of the proposed access is a priority junction with High Street.
- The submitted Transport Statement includes details of an Automate Traffic Count (ATC) that was carried out in May 2023. The ATC data indicates that during the am peak a total (both directions) of 336 vehicles were recorded along Leigh Road, and during the pm peak a total (both directions) of 305 vehicles were recorded. These figures show that an average of 5.6 vehicles per minute in the am peak and 5 vehicles per minute in the pm peak were recorded along Leigh Road. These levels indicate that Leigh Road is relatively busy during the peak hours and any vehicles attempting to exit the proposed development during the peak hours are likely to experience delays, however, the width of the proposed access is such that there is sufficient room for two-way vehicle movements at the access, when both vehicles are the size of private motor vehicles or similar.
- The ATC also concluded that the 85th percentile speeds northbound are 25.8mph and southbound are 22.5mph. A visibility splay drawing showing splays in accordance with these speeds and with a setback of 2m has been provided, however, due to the proximity of the demarcated taxi parking areas the Highway Authority have concerns that these visibility splays with no obstruction above 300mm cannot be achieved in either direction on a highway that is relatively busy, leading to the potential requirement for excessive 'creep and peep' behaviour from vehicles exiting the proposed development.
- The submitted Transport Statement includes details of a parking survey carried out as the proposal would see the loss of 82 spaces from the existing public car park,

Southside Car Park off Vestry Road. The parking survey was carried out on two dates, one of which was Saturday 16th September. This survey showed that there would be 1 excess space when the spaces are removed, although other spaces would be available in other car parks, although the locations of these may not be as convenient for high street access. The spaces being lost also include 2 disabled spaces 3 parent and child spaces; they are not being replaced in the proposal. As Street is renowned for Clarks Village, which can be very busy and put pressure on the existing car park availability for a prolonged period of the year, with the loss of 82 spaces the Highway Authority have concerns regarding the possible impact of this during these periods.

- The proposal is for 26 No. 2 bed dwellings and 30 No 1 bed dwellings. The Somerset Parking Strategy (SPS) sets out the optimum parking levels for development within Somerset. The SPS utilizes zones to determine parking levels with Street falling in Zone B. As the criteria to purchase one of the proposed dwellings is that one of the purchasers must be over 60 years old and any spouse must be over 55 years old these properties cannot be considered retirement dwellings, as there is no specific 'must be retired' criteria. Therefore, the Highway Authority considers that the use class for this development is C3.
- The SPS for zone B, use class C3, requires an optimum parking level of 2 spaces for a two-bedroom property and 1.5 spaces for a one-bedroom property. For this development this equates to a total optimum parking level of 97 spaces, however, there is a total proposed provision of only 32 spaces, just under 33% of the optimum level. Whilst it is accepted that there may be a lower level of vehicle ownership given the nature of the development the Highway Authority cannot accept a level this low. There are also no spaces provided for visitors, staff, or medical practitioners. The parking bays shown do not seem to have the required minimum 6m behind them, this will lead to additional manoeuvring to enter/exit the spaces. The parking bays for Cottage 1 and numbered 1, 7, 8 and 21 will have particular difficulties due to a lack of turning area.
- Given that Southside car park is a pay and display car park with a maximum stay of 3 hours this is not a suitable alternative.
- Given the distance to services such as supermarkets from this location, and the lack of public transport to these services to allow homeowners to complete a shopping trip for groceries there is likely to be a higher reliance on the private vehicle compared to other similar developments in different locations.
- Whilst it is accepted that the ages of the residents will likely mean a lower propensity for cycling there are no cycle storage facilities identified for the cottages. This should be addressed.
- There are no Electric Vehicle Charging Points identified on the submitted drawings. Charging points are an essential part of any proposed development.
- The proposed access route and internal layout do not seem suitable for waste vehicle routes. The supplied refuse vehicle tracking drawing shows areas of

potential impact with parked vehicles and landscaped areas, including those of the front gardens of cottages 7-11. These noted issues could lead to the refusal for waste vehicles accessing the site, and therefore, the distance for waste collection being above the maximum, for both refuse operators and residents.

Waste Services:

Somerset Council Waste Services has no objection to the development in principle, however would request that the following issues are considered:

1. Access road - the access to the cottages is on a private road. The Local Authority provides services from the adopted highway. The storage areas are too far away from the adopted highway for collection. Some residents (bearing in mind the target age group) are more likely to have difficulty getting to and from the collection point and some properties appear to exceed the 30m recommended transportation distance from property to collection point. Even if the access was to be adopted, there appears to be very little room for error when manoeuvring in a large lorry.
2. Communal element - cottages. We would appreciate clarification from the developer as to why communal storage areas have been designed in when each cottage appears to have ample space for storage of containers within their own curtilage. This also encourages people to be responsible for their own waste/recycling, and solves the problem that some residents may have of lifting the heavy lids of communal bins and perhaps needing a smaller alternative.
3. Communal element - main complex - there should be no problem with the collection point (accessing from the existing council car park), however the refuse room doesn't appear to be big enough to accommodate 8 x 1100L bins (1 per 6 properties) and (a recommendation of, based on number of properties) up to 10 x 240L recycling containers for shared use.

Designing Out Crime, Avon and Somerset Constabulary: no objection, recommendations

1. It is stated that doors and windows will comply with Part Q. As a minimum I would recommend that in fact all these items meet the security standards as set out in Secured by Design Homes Guide 2023. These items should be tested and certified to PAS24:2016 or above.
2. Cottages 1 to 6 have a new 1.8m high painted block wall indicated for the side and rear boundary. I would like to see that the easy side access to the rear garden areas

is restricted further by having 1.8m high fencing and a gate from the end elevations of cottage 1 and 6 out to the boundary. The gate should be lockable. Both fencing and gate should be positioned as close to the cottage's frontage as possible.

3. Bin Storage. I assume that the refuse store in the new building will have lockable external doors. The bin store next to parking spaces 16 to 18 near the main vehicle entrance should be an enclosed structure with lockable doors. In addition if the provisions in point 2 are not implemented then I recommend that the bin store for cottages 1 to 6 is also as above.
4. Buggy store next to cottage 11 should be an enclosed structure with lockable doors.
5. Access to the rear garden areas from apartments 05 to 09 should be restricted. I understand the importance of an open community feel, but it appears that easy put to access will possible around the West and South elevations. This area will have limited natural surveillance on it as it backs onto existing boundaries and new planting and a retaining wall are indicated.
6. Mail delivery. I understand that an access control and visitor door system will be installed in the apartment building. SBD do not favour the use of a tradesperson button. Ideally mail will be delivered by a hole in the wall system. If this is not possible then external mail boxes should be positioned adjacent to the main entrance. These boxes as a minimum should be tested and certified to Door & Hardware Federation Technical Specification 009 (TS 009).
7. I note on the initial lighting assessment that a lighting design proposal will be produced. I would like to have an overview of this when it is produced. I would urge the applicant review the lighting recommendations in the SBD Homes Guide 2023 page 47. In particular SBD have not specified PIR activated security lighting for a number of years and prefer dusk to dawn systems.

Environmental Protection: no objection subject to construction management plan condition

NHS (NHS Somerset Integrated Care Board): no objection subject to obligations of £19.010

[Note applicant has not agreed to obligations due to stated but unverified viability constraints]

- The proposed development is for 56 x dwellings (0% affordable homes) and this will create an estimated of population of 73 x new residents within the development based an average household size of 1.3.
- The closest GP surgeries to the proposed development are:

- Vine Surgery - Vine Surgery Partnership, Hindhayes Lane, Street
- Glastonbury Surgery - Feversham Lane, Glastonbury
- Glastonbury Health Centre - 1 Wells Road, Glastonbury

which have a total capacity for 32,004 patients.

- The current patient list size is 33,330 which is already over capacity by 1,326 patients (at 104% of capacity).
- The current combined medical centres providing primary care are up to their capacity and will not be able to absorb the increased patients arising from the proposed development.
- Total contribution required = £19,010 total space (m²) required x premises cost = final contribution calculation $5.31m^2 \times £3,577 = £19,010$ (£339 per dwelling).

Archaeology: no objection subject to condition

- The submitted archaeological desk-based assessment concludes that although the site lies within an area where later medieval and post-medieval remains may be present the proposed redevelopment would be located within the footprint of previous disturbance and so only truncated remains are likely to be impacted.
- Based on this information it would be appropriate to have any groundworks associated with the proposal to be archaeologically monitored.

Contaminated Land: no objection

Natural England:

- Natural England notes that the submitted nutrient neutrality mitigation statement has provided a phosphorus budget for the scheme that classifies the gardens associated with the development as open space. Gardens are included in the urban land use and therefore there is no grounds for applying the phosphorus export rate for open space for these areas. We would therefore advise the phosphorus budget is recalculated with the entire development area classed as an urban land use.
- The scheme intends to mitigate for the additional phosphorus load generated by the proposals by the purchase of credits, however, no information is provided on which credits will be secured.
- Your Authority should now complete an AA which ensures the appropriate number of credits (based on a revised nutrient budget) are secured from a provider that has a scheme approved by Natural England and secured by LPA and which is located in

the appropriate sub catchment of the Ramsar site. Any permission should ensure the house meets the 110 l per person water use requirement and is not occupied until after the improvements at the Glastonbury STWs.

Ecology:

Biodiversity Net Gain: no objection subject to conditions

- A Biodiversity Net Gain Assessment was completed by Tetra Tech which noted that the development proposals would likely result in a net gain of approximately 0.89 habitat units (56.93%) and a net gain of approximately 0.45 hedgerow units (278.90%). The gain is due to the application site currently comprising predominantly hardstanding and buildings with hedgerow and seven individual mature trees also present.
- Birds - Boundary vegetation and buildings had the potential to support nesting birds.
- Bats - All three buildings on site were determined to be of 'moderate' potential to host roosting bat species. None of the trees on site provided suitable features for roosting bats. The mature sycamore had several rot holes present on the trunk; however, these were shallow and not suitable for bats.
- The areas of most value to foraging and commuting bats are the more established hedgerows along the edge of site which are currently proposed for retention, along with the mature line of Cupressus trees. It is understood that trees T6, T7, T8, T9 and group of trees G18 will be removed to facilitate the proposals. Two bat emergence surveys were recommended following the PEA survey. During the first emergence survey, two bat roosts were identified and therefore the buildings were upgraded to confirmed roosts and an additional survey was conducted to further characterise the roosts present. Two emergence and one return to roost survey were conducted on Building 1 (B1), Building 2 (B2) and Building 3 (B3).
- Recommended conditions: CEMP: Biodiversity; LEMP; Natural England bat licence; control of roofing materials; lighting design for bats; tree removal to avoid the bird nesting season; hedgehog protections during construction; hedgerow protections during construction; on site bat replacement habitat of at least 0.89ha; on site BNG measures (bird boxes; bat boxes; bee brocks; hedgehog holes; and nature hedgerow planting)
- Recommended informatives: legal protections of badgers

Nutrient neutrality: objection

- The submitted nutrient neutrality mitigation statement has provided a phosphorus budget for the scheme that classifies the gardens associated with the development as open space. However as gardens are included as urban land use it is advised that the phosphorus budget is recalculated with the entire development area classed as an urban land use. The scheme intends to mitigate for the additional phosphorus load by the purchase of credits, however, no information is provided on which credits will be secured and therefore this information should be provided once the phosphorus budget has been recalculated. The scheme must be one that has been approved by Natural England and is located in the appropriate sub catchment of the Ramsar site.
- It is recommended that an objection is placed on this application until a revised phosphorus budget and information regarding the approved credit scheme including number of credits to be purchased has been provided.
- A HRA Appropriate Assessment will then need to be completed in order to confirm no likely significant effects on the Somerset levels and Moors Ramsar as a result of the proposals.
- Any permission should ensure the proposed retirement living accommodation meets the 110l per person water use requirement and is not occupied until after the AMP-7 improvements have been made at the Glastonbury STWs.

Lead Local Flood Authority: no objection subject to conditions (summary of final comments following submission and review of additional information)

- Recommended conditions on drainage details and management arrangements.
 1. Whilst we would still encourage the applicant to consider further inclusion of green SuDS at detailed design, we note that under-drained porous paving has now been included in the proposed drainage strategy.
 2. We would expect full calculations to be provided at this stage. You can find further guidance in our updated local design standards here: [Home - Somerset \(somerset-suds.co.uk\)](https://www.somerset-suds.co.uk).
 3. We note there is flood risk in the attenuation calculations and the applicant may want to consider additional storage at detailed design.
 4. Further details of other how exceedance will be controlled, maintenance and the drainage channel can be provided at detailed design.
 5. In summary, whilst we would expect drainage calculations to be provided at full application stage the other outstanding responses from the applicant regarding our comments 13/02/2024 are satisfactory for this stage of application. Whilst we would have liked to see further detail and full

calculations at this stage, if the LPA are minded, further details of these can be provided through condition along with full drainage calculations.

Historic England: not offering advice

- Please seek the views of your in-house Conservation specialist

Heritage Conservation: objection

- The site is located within the historic village of Street, originally a small farming community which underwent huge transformation during the 19th and 20th centuries. Street is synonymous with Clarks, the shoemakers, who had huge influence on the built and social environment. Cyprus Clarke, a quaker from the nearby village of Greinton, set up a business in 1825 with his brother James Clarke, initially making sheep skin rugs, then woollen slippers, boots and shoes. In 1829, they opened their first factory in the village and move production into a centralised space and away from the employee's home. Some houses still have backstops (rear workshops) present. The Clarks' Quaker routes heavily influenced how business was carried out, any profits were invested into the village, they built high quality workers terrace cottages, open new schools as well as many other public buildings. Many of these buildings are now described as having been built in the 'Clarks Arts and Crafts Company Style'. Their influence is still greatly evident within the character and appearance of the townscape today.
- The Conservation Area within Street is split into two distinct sections, the area centred around the High Street, known as the urban area and the more rural area to the south, Middle Leigh and Overleigh. The application site boundary abuts the urban area of the Conservation Area on two sides, as such, the likely impact of the development will be considered in relation to the urban area of Street Conservation Area. The urban area has been split into four distinctive character areas, The Cross Area, Leigh Road Area, Upper High Street and the Lower High Street. The site abuts the Lower High Street on the Northwest side and the Leigh Road Area on the Northeast side.
- The Crispin Centre was constructed in 1979 and was designed by Alec French Architects and is of modern design, located along the High Street, with an open-air walkway leading to the now empty supermarket with car park to the rear. The buildings located along the High Street from a continuous frontage, in line with Crispin Hall and have a neutral impact to the character of the conservation area. The buildings to the rear of this do not contribute to the character of the

conservation area, as such, the boundary runs behind the High Street but includes the buildings along the High Street, excluding the backland of the shopping centre.

- Inside the covered walkway is a Grade II Listed Mural, 'Building of Central Somerset' a ceramic mural depicting the buildings and natural environment of Somerset. Designed and made by Phillippa Threlfall and commissioned by C & J Clarke Ltd for The Crispin Centre. The Mural was deemed to be of national significance and included on the National Heritage List for England in 2017. Although located within the Crispin Centre, the building itself does not form part of the designation and is not listed.
- There are several designated and non-designated heritage assets which surround the site and also lie within the Conservation Area. The Grade II Listed Crispin Hall, lies immediately to the north, originally built as a public hall, library and reading room and opened in 1885 by The Clarks, intended to improve the cultural facilities for their employees and the community of Street. Identified as a Landmark building within the conservation area appraisal, it sits in a prominent position, head of a street (Leigh Road) of comprising of largely civic and public buildings. Leigh Road was originally called Lovers Walk and was created by the Clark's as a civic street and as a show piece for the Village. Due to the distinctive appearance of this street, it has been defined as its own character area within the Conservation area appraisal. The following buildings have been identified as making a positive contribution to the character of the conservation and are therefore non-designated heritage assets and most are nominated for inclusion on the Local Heritage List. They include, the library built in 1924, with classical detailing and street presence. The Vestry Room, a former police station built in 1887 which once housed a fire engine. Wesleyan Methodist Church (now Leigh Road Methodist Church), built in the Gothic style, a typical rebuilding of a 19th century non-conformist Church. Although built in a different architectural style, the prominent gable end facing the road built from blue lias with hamstone dressing, does not look out of place with the other public/civic buildings within the Conservation Area. Strode School (Numbers 10-12 Leigh Road), built in 1925 to commemorate the 100-year anniversary of the establishment of C and C J Clarke in 1825. There is also a war memorial dedicated to former pupils killed in the Second World War. The Maxime Cinema, opened in 1921 in a former Victorian public hall, its prominent façade is a mixture of Neo-Georgian and Queen Anne revival with a 1920 date stone. This is also one of the earliest brick-built buildings constructed in Street. Also worthy of note, (although not a non-designated heritage asset) is the mid-20th century garage building, its prominent and somewhat iconic gable elevation addressing the road.
- The southern boundary of the conservation area is defined by three prominent buildings, which also marks the extent of the urban section of Leigh Road. They are, No. 23 Leigh Road, an attractive modest house with a rare render finish, likely to be of a similar date to many of the buildings along this road. No 26 Leigh Road, stands on the opposite corner to Strode School, a modest house made from blue lias and

the Grade II Listed Hindhays, built in 1807 by James and Cyprus Clarke for their father, Joesph Clarke I.

- This application seeks permission for the partial demolition and redevelopment of existing buildings to retirement living accommodation, 45 retirement apartments, 11 retirement cottages with communal facilities, access, car parking and landscaping. As discussed above, apart from the Grade II Listed Mural, there are no heritage assets within the site. The principle of the re-development of this site is considered to be acceptable from a conservation perspective. However, the application in its current form will have a negative impact to the significance of the surrounding heritage assets, which has resulted in this objection comment.
- Pre-application advice was sought in early 2023 about the proposed redevelopment of the site for retirement housing. Significant concerns were raised about the proposal, specifically in relation to design, massing, materials and the layout of the scheme, particularly given the clear views through from the conservation area and Crispin Hall, as well as other planning related issues. It was recommended that the scheme was reviewed and revised in light of the councils' comments and another pre-application enquiry submitted for further consideration.
- This advice was not followed and the present scheme was submitted for consideration. This scheme is more densely developed and has not address any of the concerns highlighted within the pre-application response. The only meaningful change, which is a step in the right direction, but more still needs to be done, is the change in use of materials for the main building, from red brick to grey brick. Brick was rarely used within the historic village of Street as blue lias was readily available, this contrasts with the predominantly brick-built 19th century Glastonbury, only a short distance away.
- The layout of the site continues to be problematic with the largest building being placed at the southern edge of the site. Where it will be particularly prominent from Vestry Road, and Leigh Road leading into the conservation area, as it is the highest part of the site. The scale and character are not in keeping with the character of the surrounding buildings with either the non-designated heritage assets along Leigh Road or with the row of terrace houses along Vestry Road. The terrace made from blue lias has unusual brick surrounds on windows and doors, some have sadly had traditional windows replaced with UPVC. Despite this they do contribute to the character of the Village. The main building would also be partially visible between the Methodist Church and the Old Police Station (No. 8 Leigh Road). The balconies are also problematic and appear out of place amongst the public/civic buildings. It is very tall and bulky when compared to the surrounding buildings which are predominately two storeys, and the current design will appear incongruous with the character of the surrounding area. The size and scale of the main building should be reduced with the balconies omitted, this will lessen the impact of the development and be more in keeping with the character of the area.

- The addition of the Mews Cottages and the Terrace Cottage are inappropriate within this context. As discussed above, Leigh Road was created by the Clark's as a civic street and as a show piece for the village. The proposal to have residential dwellings built so close to these heritage assets will negatively impact their significance and the significance of the Conservation Area. It will remove the legibility of the origins of the street and would result in an overdeveloped site. This is further increased by the proposed parking layout around the boundary of the site on Leigh Road.
- The layout of the site will also have a negative impact to the significance of the Grade II Listed Mural. Within the Pre-Application response, whilst the rationale was understood about moving the mural, it was highlighted that it would be a complex process, in both physical and in planning terms and it would likely result in some harm to the significance of the heritage asset. This application seeks to keep the mural in situ and erect a new timber canopy over the top of it. Currently the Mural is located under a covered walkway and is relatively sheltered from the elements. The likely impact of this has not been fully assessed, increased exposure from the elements could have a detrimental impact to the condition of the Mural. This has not been explored within the Heritage Statement and more information is needed to be able to fully assess the impact and any resulting impact to the significance of the mural. As per the pre-application advise, I suggest you contact the artist who made the mural and Clarks who commissioned the works, as they might be able to provide advice about the likely impact of exposing the Mural under the timber canopy. Not enough information has been provided about the timber structure itself, to be able to fully assess the suitability of it, a fully detailed drawing is required.
- The proposed layout of the site is also highly problematic in relation to the Listed Mural and will have a negative impact to its significance. Although the footpath is retained across the site and will pass relatively close to the Mural, all the entrances are gated. This will give the impression that the site and Mural is in private land and members of the public are not welcome to view and enjoy the designated heritage asset. I appreciate the Mural is being kept in situ, however, with the current site layout, it feels forgotten about and tucked away in a forgotten corner within the development. It will be hidden behind a wall to the west of the site and is next to a vehicle turning area on the east, adding to the sense the Mural is now out of the public realm. There is a clear missed opportunity here, not only to contribute to the significance of the designated heritage asset but also make improvements to the public realm. As a result, the proposal in its current form is going to have a negative impact to the significance of the designated heritage asset, although more information is required to be able to fully assess this impact.
- When taken as a whole, the application in its current form is going to have a negative impact to the significance of the heritage assets in and around the site. Street is synonymous with the Clarks and their influence is still greatly evident within the appearance of the townscape today, especially within the area that

immediately surrounds the site. With Leigh Road being created as a civic street and a show piece for the village. The proposed development would see a change of use from retail to residential, although there is no objection to the principle of the redevelopment of this site from a conservation perspective. The current proposal amounts to overdevelopment of the site, which the layout, design, scale and massing all contribute to. This is going to have a negative impact to the significance of the surrounding designated and non-designated heritage assets and the conservation area, particularly to the Leigh Road Character Area. These assets are of significant heritage value, both locally and nationally and more needs to be done to lessen the negative impact of the development. I suggest this application is withdrawn, our previous comments from the initial pre-application enquiry and any further comments from this application be fully considered. A smaller less impactful scheme can then be created, and another pre-application enquiry submitted for consideration. This would also allow time for further research to be undertaken about the Mural and the possible implications of exposing it and housing it below the timber structure, this should be included within any subsequent submissions.

Tree Officer: objection (summary of verbal comments on 24.06.24)

- The application has been supported by an 'Arboricultural impact appraisal and method statement' (including schedule of trees), a 'Manual for managing trees on development sites', and a 'Tree Protection Plan' drawing, all prepared by Barrell Tree Consultancy.
- It is agreed that T17 (TPO'd willow) can be protected through construction and operation of the proposed development. There is some concern that the proposed boundary treatment has not been clarified by the applicant. However, on balance, considering the location of this tree as being off-site at a reasonable distance and separated from the proposal site by the low stone boundary perimeter wall affording a modest amount of protection, it is considered possible to secure suitable protection measures at condition stage.
- There are no objections to the proposed works adjacent to T1 and T2, as protection measures shown in the application submission could be implemented without harm or undue pressure on these trees.
- T10-14 are very visually prominent trees due to their overall size and by being a linear group, which - although not considered ideal candidates for a TPO due to their species and location - make a significant contribution to the character and appearance of the area. There are however concerns that these trees could be subject to pressure to prune and fell due to their height and proximity to the proposed development. Furthermore, the absence of proposed boundary treatment arrangements and any associated arboricultural impacts arising from aforesaid

boundary treatments is a significant concern; accordingly it is not possible to confirm that a condition to secure the retention of these trees would be successful.

- The applicant has failed to demonstrate the quality and viability of a robust replacement planting scheme that is proposed to mitigate the loss of trees on the site - including a T5-T9 and G18, and possibly including T10-14 in the future.

Somerset Council Car Parks Team: no comments received

Procurement, Facilities and Assets: no comments received

Economic Development: no comments received

Neighbourhood Services: no comments received

Housing Enabling Officer: no comments received

Wessex Water: no comments received

Minerals and Waste Team: no comments received

Local Representations:

Neutral

Three neutral neighbour comments have been received. A summary of the planning matters raised is outlined below:

- No objection in principle to the development
- Confirmation of the proposed boundary treatment is required.
- Require (vehicular and pedestrian) access to our parking spaces to be maintained with agreed access measures
- There is a pedestrian doorway to/from our property on the NW elevation that allows access to the development 'behind' the gates.
- Impact of the demolition and construction – including traffic, noise, potential damage to neighbouring properties
- Management of construction traffic, including on market day
- Neighbour amenity, including overlooking concerns
- Mature trees on the site need to be protected.
- Highway safety concerns – road widths for construction traffic; on street parking must be avoided, including blocking the construction entrance

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

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

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

The Council's Development Plan comprises:

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

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

- CP1 - Mendip Spatial Strategy
- CP2 - Supporting the Provision of New Housing
- CP3 - Supporting Business Development and Growth
- CP5 - Encouraging Community Leadership
- CP8 - Street Parish Strategy
- DP1 - Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP5 - Biodiversity and Ecological Networks
- DP6 - Bat Protection
- DP7 - Design and Amenity of New Development
- DP8 - Environmental Protection
- DP9 - Transport Impact of New Development
- DP10 - Parking Standards
- DP11 - Affordable Housing
- DP14 - Housing Mix and Type
- DP16 - Open Space and Green Infrastructure
- DP19 - Development Contributions
- DP20 - Reuse of Employment Sites
- DP21 - Managing Town Centre Uses
- DP23 - Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG) -including 'Housing for older and disabled people'; 'Viability'; and 'Town centres and retail'
- Conservation Area Appraisal: Street (2008)
- Creating Places for People, Somerset Council (consultation draft, September 2023)
- Historic Environment Good Practice Advice in Planning Notes, Historic England (2015)
- Somerset County Council Highways Development Control Standing Advice (2017)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (2021)
- Somerset's Climate Emergency Strategy (2020)
- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (2021)
- Somerset Council Travel Planning Guidance (2011)
- Manual for Streets (2007)

- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (2022)
- MDC Supplementary Planning Document: Greenspaces (2023)
- MDC Marketing and Business Evidence to Support Planning Applications SPD (2017)
- National Design Guide (2021)
- Technical housing standards – nationally described space standards (2015)
- Environment Agency Standing Advice
- Fields in Trust - Guidance for Outdoor Sport and Play (2020)
- Somerset Council's 'Biodiversity Net Gain Guidance Note' (February 2024).
- Somerset Council's 'Nutrient Neutrality in Somerset: Guidance for Applicants, Last Updated: May 2024'
- Somerset Waste Partnership's 'Planning homes with recycling in mind'

Assessment of relevant issues:

Principle of the Use:

Core Policy 1 (CP1) of the adopted 'Mendip District Local Plan - Part 1' (LP1) says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed to towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is within the development limits of Street.

Brownfield Land

It is noted that the NPPF at para 124 gives substantial weight to the use of suitable brownfield land for homes and other identified needs. In relation to principle of development this is therefore awarded substantial weight.

It is also noted that development in the right form and quantum needs to come forward in order to deliver sustainable development which achieves the economic, social and environmental development objectives set out in the NPPF.

Loss of Retail

The site is within the town centre boundary of Street. The site includes primary frontage (Units 1-10 of Crispin Centre) within the primary shopping area of Street. In accordance with policy DP21 (Managing Town Centre Uses) of Local Plan Part 1 (LP1) to maintain and enhance the vibrancy of town centres, at least two thirds of premises should be retained in retail use.

The submitted Retail assessment addresses this matter as follows:

*'4.1 The latest Goad Plan (November 2022) [Experian retail data] indicates there were 49 ground floor premises within the designated Primary Frontages in Street town centre, of which only 8 (16.3%) were occupied by non-Class A1 uses. Goad indicated three vacant units were previously in non-Class A1 use, which suggests 38 of the 49 shop premises (over 77%) in the Primary Frontages were still technically in Class A1 use in November 2022, which is significantly above Local Plan DP21's minimum threshold of two thirds (67%) of units in Class A1 use. The loss of Unit 6 from Class A1 use would reduce this proportion of Class A1 use from 77% to 75%, which is still above the Policy DP21 minimum threshold.'*⁹²

Taken on face value, the development therefore appears to accord with policy DP21.

Policy CP8 (Street Parish Strategy) sets out growth objectives for Street including identifying a need for a better quality of convenience provision in the High Street, additional non-food retail space and a greater diversity of units to support the evening economy. These objectives reflect the 2010 town centre study and other consultations supporting the LP1.

NPPF para 60 should now be considered more up to date than LP1:

'60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as

possible, including with an appropriate mix of housing types for the local community.'

NPPF para 90 states that decisions should support the role of town centres and also refers to taking a positive approach to *'growth, management and adaptation'* Para 90 (f) also refers to recognising the role of residential development in the vitality of centres and to encourage development on suitable sites. 'Planning Practice Guidance: Town Centres and Retail' (Sep 2020) specifically highlights specialist housing for older people in town centre locations.

The loss of units 1-10 Crispin Centre would result in a significant number of premises and floorspace within the associated frontage being lost from retail use. While national policy now embodies a more flexible approach to town centres, the loss of retail space is clearly contrary to the Local Plan adopted policy.

The application has been supported by a (draft) 'Retail Assessment', prepared by Lichfields dated 12 October 2023. The report describes the existing site thus:

'The Crispin Centre has ten shop premises providing a ground floor area of just over 3,000 sq.m gross (source: Goad Plan). In November 2022, seven of the ten shop premises in the centre were vacant, and nearly 90% of the available floorspace was vacant.'

The Retail Assessment includes a letter from Savills describing marketing of the site. The assessment also refers to the NPPF, where town centre hierarchies have been removed in favour of more mixed town centres. It also notes the changes in the Use Classes Order to allow greater flexibility on high streets. Class E uses include shops, financial/professional services, cafés and restaurants, indoor sports and fitness, medical/health facilities, nurseries and offices.

The submitted Retail Assessment summarises national changes in retail patterns through post covid and Brexit online shopping. It states that demand has declined for high street retail space over time. The Retail Assessment refers to the Mendip Town Centres Study 2010 which was used to inform the LP1.

Overall, it is not considered the resultant loss of retail space by this proposal would undermine the vitality of Street as a retail centre; and the loss of retail does not prohibit the principle of residential development in this case.

Residential

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources:

- a. Infill, conversions and redevelopments within development limits defined on the proposals map;
- b. Strategic Sites identified on the key diagrams for each town associated with Core Policies 6-10; and
- c. other allocations of land for housing and, where appropriate, mixed use development, outside of development limits through the site allocations process.

Somerset Council is developing the Mendip Local Plan Part II (Sites and Policies) 2006 – 2029 Limited Update. The Regulation 18 consultation document of February 2024 proposes to allocate this site for a minimum of 40 dwellings. Suggested policy requirements include:

- ‘Good design including retention of high street frontage.’
- ‘Phosphate mitigation required.’

As outlined below, although the proposal includes retention of the high street frontage, there are significant concerns in relation to design, so this policy aspiration is concluded as unmet. Also outlined below, the phosphate mitigation proposed is insufficient.

This site has been retained within the Regulation 19 consultation version of the Mendip Local Plan Part II (Sites and Policies) 2006 – 2029 Limited Update, which was published on 28.06.2024. The site is proposed to be allocated for a minimum of 40 dwellings under proposed policy ST5. The supporting text states the site is suitable for housing for older people. Draft policy ST5 includes requirements that development delivers:

1. At least 40 dwellings, including affordable housing - significantly over 40 dwellings are proposed, and no affordable housing is proposed as part of this application.

2. Satisfactory access arrangements - has not been demonstrated as part of this application.
3. Design, layout and appearance which preserves and enhances the conservation area and nearby listed buildings – this has not been demonstrated as part of this application.
4. Suitable planning obligations – this has not been demonstrated as part of this application.
5. Biodiversity net gain - this has been demonstrated as part of this application.
6. Satisfactory surface water management - on balance, this has been demonstrated as part of this application.
7. Nutrient neutrality – this has not been demonstrated as part of this application

As ST5 is not adopted policy, and is subject to further consultation and examination, this emerging policy has very limited weight in the planning balance at this time.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have reduced weight. Therefore, whilst regard should be given to the policies in the Local Plan, the ‘presumption in favour of sustainable development’ (also known as the ‘tilted balance’) as set out in paragraph 11(d) of the NPPF applies. If para 11(d) applies then permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

Part I of para 11(d) of the NPPF disengages the tilted balance where there is ‘*a clear reason for refusing the development proposed*’. Footnote 7 confirms this includes habitats sites. Although there have been objections from both Natural England and Somerset Ecology on nutrient matters, the applicant has confirmed there is an intention to purchase credits to address this matter in principle – although the details are considered insufficient. As such, the tilted balance as set out in para 11(d) of the NPPF is concluded to be engaged. As set out in the assessment summary and planning balance below, the proposal represents significant and demonstrable harm.

Housing Mix

Policy DP14 requires proposals for residential development to provide an appropriate mix of dwelling types and sizes to reflect the local need, including affordable properties that are adapted or adaptable for older person 'age exclusive' and disabled residents.

DP14 allows for care homes (or similar specialist accommodation) that meets an identified local need in accordance with the Local Plan's overall spatial strategy. It requires such development to be accessible and proportionate in scale to the locality.

Despite advice offered at the pre application stage, the applicant has not covered the local need for this type of accommodation in Street.

Following informal discussions with the Housing Enabling Team there is however broad support for the principle of age-restricted accommodation, as the scheme would be considered to further the availability and variety of older person's accommodation in Street and the wider district. It could also enable the release of existing family homes through downsizing.

From the perspective of maintaining the independence of older persons, the central location of the scheme would allow for the easy access of residents to town centre services and amenities given the immediate proximity to these facilities.

As outlined below, there are significant concerns with the scale of development, which is not considered proportionate to the locality. As such, reference to DP14 is included on the recommended design reason for refusal.

In conclusion on this matter, the principle of residential and older persons accommodation in Street town centre is justified in this case. Additional housing would also count against the current shortfall in five-year housing supply. The application should therefore be determined under the tilted balance.

Planning Obligations and Viability:

Affordable Housing

The proposed development would generate 45 retirement living apartments and 11 retirement cottages. It is understood that the development would comprise individual independent living spaces in contrast to a ward or rooms typical of a nursing home without private facilities to live in. As such, these are dwellings which would fall within use class C3 dwelling houses and not C2 residential institutions.

LP1 policy DP11: Affordable Housing requires development to include 30% affordable housing in Street. LP1 policy DP19: Development Contributions confirms that obligations triggered by development must be secured.

This is reiterated in the NPPF. Paragraph 57 of the National Planning Policy Framework (NPPF) sets of the tests for planning obligations as follows:

‘57. Planning obligations must only be sought where they meet all of the following tests²⁴:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.’

Paras 6.109 - 6.112 of LP1 confirm that viability matters will be considered as necessary. Where viability matters are raised, applicants are expected to prepare and submit a financial appraisal *‘to determine whether the development is viable within the normal cost and value parameters including any abnormal site conditions, the range of planning obligations and a reasonable rate of developer return’*. This confirms that once a financial appraisal has been submitted, the Council will engage an independent financial consultant, and the cost of this will be met by the developer.

The National Practice Guidance 'Viability and Plan Making' confirms plan making should assume a developer return of 15-20% GDV return:

'For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies.'

The application has been supported by a Financial Viability Assessment prepared by Alder King which concludes that due to viability issues the proposal cannot include any planning obligations, including off site affordable housing contributions.

As outlined above, the applicant has not paid for an independent specialist review of the submitted viability assessment, as required by policy. It therefore cannot be confirmed that the scheme is unviable. As it is for the applicant to demonstrate legitimate viability constraints, and this has not been demonstrated, the LPA must therefore conclude the development is viable for all planning obligations which mitigate the impacts of the scheme, in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Healthcare

Comments have been received from the NHS (NHS Somerset Integrated Care Board). This concludes the development is likely to generate 73 new residents (based on an occupancy rate of 1.3 persons per dwelling). Comments confirm the local healthcare centres are currently operating over capacity (104%) and therefore there is a requirement to make a contribution of £339 per dwelling, which totals £19,010.

The applicant argues in the submitted 'Planning Statement' that NHS costs will decrease as a result of the development. This is argued to be through a reduction in loneliness and depression for future occupants.

'5.50 There is evidence showing that providing purpose built retirement accommodation reduces the impact on the NHS. The Happier and Healthier Report (2019) clearly sets out that this type of retirement living accommodation will save the NHS on average £3,500 per person per annum compared to mainstream housing.

5.51 For the proposed 56-unit scheme, it is estimated this will lead to a fiscal savings of £255,500.'

The 'Planning Statement' further argues that evidence from the applicant confirms 50% of future occupants are likely to move from within 5 miles of the application site, who will already be in the local healthcare service. It is noted that there are no proposed controls within the application that would secure this.

Appeal reference APP/R0660/W/23/3317173 at 17 & 19 Holly Road South, Wilmslow, Cheshire SK9 1NQ was issued on 11.09.2023. This concludes the proposed older persons development would have an impact on demand for health services (emphasis added):

'17. The proposed development would increase the number of older people living in this part of Wilmslow, with a consequent effect on demand for health services. To address this, the local NHS Clinical Commissioning Group (CCG) has requested a financial contribution of £19,977 to be used to increase capacity at Wilmslow Health Centre, which is some 400 metres from the appeal site.

18. I note the concerns of existing residents that the proposed funding contribution to local health services would be inadequate, that there is a high demand for health services at present, and that the elderly residents of the proposed development would be more likely to require health services than other age groups.

19. However, I also note the comments from the appellant regarding the layout and design of the proposed development, which seeks to reduce the risk of accidents amongst residents, and so the demand for health services. Moreover, the sum of money requested by the CCG is based on a formula to meet the expected increased

demand for health services. There is no compelling evidence that would cause me to question this approach.

There is well established policy and case law to confirm the NHS obligations sought are reasonable in the case of retirement living applications. NHS comments have confirmed existing facilities do not have capacity, therefore a financial obligation is necessary to mitigate the impact of the proposed development. In the absence of agreed obligations or a legal agreement, this is included within the reason for refusal.

Education

As the proposal is for retirement living, it is not anticipated that any pressure will be placed on education facilities, and no obligations are sought in this regard.

Public Open space

Policy DP16: Open Space and Green Infrastructure of LP1 and supporting text requires that proposals for new residential development make provision for different open space typologies. DP16 also requires development to make provision for formal public open space (POS) on the basis of the National Playing Field Association's (NPFA) long standing requirement for 2.4ha of new space per additional 1,000 people.

Although calculations would usually be based on this standard and an average dwelling occupancy of 2.4 persons per dwelling, considering development is for retired occupants, this can be reduced to 1.3 persons per dwelling (as assumed by the applicant). This equates to 71.5 people living on site (1.3 persons x 55 dwellings) meaning that the required area of POS, based on the proposed population of the development, would be 0.093ha (1.3/1000 x 71.5).

The application submission does not appear to confirm the total amount of communal public open space provided on site. Indicative measuring suggests the total amount of

public open space is circa 950m², which is broadly in line with this in relation to quantitative provision.

Public open space on the proposal is made up of two areas. The area to the south of the site is circa 660m². It is set on sloping ground, and is divided by a retaining wall. As such, its value is tempered. The other area of public open space is a central area to the front of the flats, which includes a grassed area with modest boundary planting and a hardstanding patio area for sitting out. This area is circa 290m².

There is a narrow area to the west of the site which is circa 28m², but this has limited value in relation to public open space. Plans do not show access to it. This is concluded to be a modest landscaping area which acts as separation from the western boundary, with landscaping intended to soften the impact of the development in the street scene. Therefore, this area is excluded from the public open space calculations.

Any other small pockets of green space shown on the proposed layout plan are considered softening landscaping, and not public open space.

None of the public open space within the development appears welcoming to other nearby occupants not living in the development itself, with gated access. This also tempers its value in the planning balance.

'Fields in Trust Guidance for Outdoor Sport and Play' states that developments between 10-200 dwellings require both a LAP (Local Area for Play) and a LEAP (Locally Equipped Area for Play) as well as a contribution towards a MUGA (Multi-Use Games Area). The application does not include any of outdoor play facilities. Given the nature of the development, it is considered reasonable to exclude the need for a LAP or LEAP on the site. However, it is reasonable to expect over 55's to make use of a MUGA as part of their health and well-being. Given the constraints of the site and its location, off-site contributions seem reasonable in this case. The Mendip Local Plan area has a well established (as set out in the Council's Greenspace SPD) contributions figure of £1,364.20 per dwelling for off site contributions – which is made up of LAP, LEAP and MUGA

provision. As such, it is concluded reasonable that one third of this is provided towards off site MUGA provision (£454.73 per dwelling). This methodology is established in the district. Therefore, contributions towards off-site MUGA provision would be to the sum of £25,010.15 (55 x £454.73). Although the issue of off site contributions was raised by the LPA as part of the pre application, the application does not include any suggested contributions in the application. As such, the application is concluded to be unacceptable in this regard.

The application does not make it clear the onsite amenity space would be available to the public, and focuses on the future occupants. This tempers any benefits of on site public open space.

In conclusion on this matter, although onsite POS is proposed within the site, the design and quality would result in unacceptable and cramped development (see design section below). The development triggers contributions towards off site MUGA, which have not been agreed with the applicant. As such, the proposal is contrary to policies DP16 and DP19.

Conclusion on Viability and Planning Obligations

As the applicant has declined to pay for independent assessment of the submitted viability assessment, this cannot be corroborated as part of the planning application assessment. As such, it cannot be relied upon to justify any flexibility on planning obligations. As the applicant has not agreed to the planning obligations identified for affordable housing, healthcare and off site public open space, this application is recommended for refusal on this basis.

Furthermore, there is no legal agreement in place to control other issues including:

- Delivery and management of drainage and SUDS areas
- Delivery and management of public open space and communal areas
- Off site public open space contributions Travel plan (see highways section below)

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

The NPPF and the National Design Guide make it clear that high standards of design are expected.

Local Plan Policy DP1 states that proposals should contribute positively and respond to the local context and maintain the character and appearance of the surrounding area. The street scene, landscape/townscape, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate the distinct sense of place and local identity. Decisions should consider the efforts made to avoid, minimise, and mitigate negative effects, and the need for the proposal to take place in that location.

Policy DP7 of the Local Plan relates to the design of the proposal. DP7 states that proposals for new development should demonstrate, amongst other things, that they are of a scale, mass, form, and layout appropriate to the local context, and optimise the potential of the site in a manner consistent with other requirements of this policy. This is consistent with part 12 of the NPPF, which states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The proposal should, in accordance with DP7, also consider the access needs of a wide range of users.

It is noted that the applicant has undertaken pre application discussions under application reference 2023/0257/L7PA for 44 flats and 10 cottages. Officer advice issued on 28.04.2024 outlined significant concerns with design and scale, as summarised below:

'We have significant concerns with the design, massing, materials and layout of the proposed scheme, particularly given the clear views through from the conservation area and Listed Crispin Hall. However, subject to the justification sought for the loss

of retail and housing need, a revised scheme on this site has the potential to result in employment, public realm and regeneration benefits. There are also technical considerations to bear in mind (as explained below) and phosphate mitigation is also required.

We would therefore recommend that you review and revise your scheme in light of the comments below and submit a new pre-application enquiry for our further consideration. We consider that your proposal would be a good candidate for review by the Somerset Design Quality Review Panel (managed by Frame Projects) and would be happy to put your details forward if this is something you are happy to engage with.'

Rather than reduce the scale of development, enter into further pre application discussions or enter the proposal for assessment by the Somerset Design Quality Review Panel, the applicant instead opted to increase density and submit a formal planning application. When officers agreed to meet with the applicant to further discuss the scope of the planning application, the applicant instead opted to serve notice of an appeal against non-determination and closed discussions with the council.

In the event that revised plans, or indeed any further information, are submitted as part of an appeal, the LPA may consider a costs claim. Discussion on development proposals is welcomed by the LPA via pre application discussions and planning applications. As the applicant has declined to negotiate on the application, the LPA has no choice but to determine the application based on the information submitted.

LP1 confirms there is no rigid housing density policy, instead development should be designed to complement its context. The LP1 sets a broad density range of 30-40 dwellings per hectare (net) in town locations:

'Housing Density

4.43 The Council does not intend to impose a rigid housing density policy for new residential developments. The density of development should primarily be established through careful consideration of local context, local character and

specific site conditions having regard to matters set out in Development Policies 1-10.

4.44 Nevertheless, the Council is mindful that land is efficiently used in order that the need for new greenfield land for development is minimised. Hence, as broad guidelines, the net density of new housing development (i.e. the developable area excluding roads, footpaths and other public areas) should aim to be equal to or greater than the levels set out below.

- Sites within towns - 30-40 dwellings per hectare*
- Sites in rural areas - 25-30 dwellings per hectare'*

The submitted 'Planning Statement' confirms the proposed development would be at a density of 90 dwellings per hectare, more than double the top of the range set out in LP1.

'5.72 The development will provide 90dph. It is considered that the proposed development makes an appropriate balance between making an efficient use of land, whilst respecting the local character and context and taking consideration of the previously approved development on site.'

The Planning Statement summarises the applicant's case for the design and density of development proposed thus:

'Scale, Height and Mass

5.66 A number of changes were made to the proposed development following the pre-application feedback from the Council in order to address any concerns.

5.67 The proposed development consists of a 3 storey apartment building and two blocks of 2 storey cottages.

5.68 The proposed scale is in line with the character of the surrounding 2 and 3 storey buildings with 2 storey cottages being located closest to other buildings on the site. Three storey apartments are proposed facing on to the car park which are set lower than Vestry Road.

5.69 The layout proposed allows the mass of the proposed development to be broken up whilst efficiently developing the brownfield site.'

The area around the site is characterised by 2 storey development. Along the High Street, this includes typical retail units fronting the road, with pitched roofs often incorporating roof accommodation. Listed Crispin Hall is predominantly 2 storey with 3 storey features and roof accommodation. This is a feature building, in community use. This building does not define the scale and height of local character, which is subservient to it. The density, height, scale and massing of the development would be incongruous to the local character. It would result in a cramped and contrived overdevelopment in a central and prominent location in the heart of this historic and handsome town centre.

Notwithstanding the levels of the site, the site is readily visible from Leigh Road and Vestry Road which surround the site (east, south and west). Views of the main building would also be visible from the High Street (north) with cottages adding to the cramped and contrived situation. The height and bulk of the main building would appear cramped, incongruous and oppressive.

Leigh Road and the High Street are within the conservation area, and these views are even more sensitive. Furthermore the proposal would be readily visible from the listed Crispin Hall to the north.

Such concerns were set out to the applicant at pre application stage. Rather than a reduction in scale and quantum, the submitted application has seen an increase. The applicant appears to say that siting cottages in front of the large main building would somehow soften its impact. Instead, proposing cottages in front of such a large building would exacerbate an already cramped situation. Submitted street elevations demonstrate the sense of overdevelopment in a sensitive and central location within the conservation area and adjacent to heritage assets.

Whilst the applicant notes the quality of the existing site, which does not enhance the character of the area (including the conservation area) this is not sufficient to justify such high density, incongruous development in its place.

The quantity and quality of public open space proposed is low, with modest and sloped areas adjacent to the southern boundary; and a modest patio and planted central area. The applicant claims the communal lounge would offer high quality space to meet occupants' needs and aspirations. Whilst this space may support proposed future residents in this type of development, an indoor communal lounge does not adequately compensate for insufficient and inadequate outdoor open space. Whilst it is acknowledged that the dwellings are proposed to be restricted to those above 55 years old, the benefits of a variety of open space typologies (as set out in the supporting text of DP16 and the council's Greenspace SPD) are not realised by the development (see also public open space section of this report).

There are various concerns with the design and layout of the proposed development, which point towards overdevelopment of the site and a resultant harm on the character and appearance of the area. These concerns include:

- Insufficient quality public open space, including modest areas of sloped grassed and planted gardens.
- Lack of circular walking path around the site.
- Lack of footways through the site, including adjacent to the accessway and cottages 7-11, and lack of footway for mobility scooter users from scooter storage area through the site to the footpath.
- Tree removal and replacement with modest, domestic specimens to undermine greening in the local context.
- Waste collection concerns across the development (see waste section of this report).
- Particularly awkward, contrived and impractical waste collection point for the cottages to the north east of the site which is fronted by a footpath and parking spaces.
- Inconvenient parking locations for cottages 7-11, particularly considering the age restrictions associated with the proposal.
- Lack of disability parking spaces.
- Insufficient parking numbers (see highways section below).
- Inadequate vehicular turning areas (see highways section below).
- As above, density scale and height fail to respect the local context and results in cramped, awkward and contrived layout which appears incongruous in its historic and prominent setting.
- Dominated presence within the local street scene.

- The application does not confirm the proposed design for the shelter of the listed mural on the site, the two bin storage buildings or the mobility buggy storage building.
- Gates would undermine public access through the site, including to public access of the listed mural.
- The application does not confirm the proposed boundary treatments, so it not possible to confirm how this would impact on the character and appearance of the area.
- Lack of pedestrian connections to the north – which is considered a missed opportunity.
- Northern side of the development would be inward facing with a poor relationship to the High Street.
- Harm to the setting of Street Conservation Area, Buildings of Central Somerset Mural (GII) within the site, Crispin Hall (GII) and nearby non-designated heritage assets (see conservation section below).

Materials

In relation to materials, a mixture of blue lias stone and cream coloured render is proposed on the walls. Roofing is proposed to be finished in double Roman tiles in ‘old English red’. Fenestration is proposed to be a mixture of black and white uPVC. Non-working chimneys are proposed on the cottages from red brick. This material palette has been amended following concerns raised at pre application stage. These materials are considered broadly acceptable in this location.

Access and Permeability

In relation to vehicular access, the proposed site includes a single access point off Leigh Road to the east of the site. There is a modest network of internal roads, off street parking for cottages, and a parking court with unallocated space for use of the main building.

In relation to access for non-vehicular modes, the existing footpath running in an east-west direction is proposed to be maintained; with gated access to the car park to the west, and further gated access to the public space adjacent to the library to the east of the site.

Two crossing points are proposed through the site which would see safe travel from Leigh Road at the east of the site through to the public car park to the west of the site.

It is noted there is no footpath network through the public car park to the west, and pedestrians/cyclists would need to navigate this car park further west to go towards Vestry Road, or in a north-west direction to connect to an existing cut through to access the High Street.

The existing site includes access from the north (between the Post Office and Boots) via a canopy entrance signed as the Crispin centre. The application submission is silent on any proposed alterations to this canopy entrance, which sits outside the application site. The proposed development does not include access in a northern direction to continue this connection to the town centre. The proposed site plan labels the area immediately south of this point as '*service access to High Street shops via service yard*'.

Although boundary treatments have not been confirmed, the submitted proposed site plan suggests fencing to the rear of the proposed Mews cottages (plots 1-6) would define this boundary, and no opportunity has been taken to establish a pedestrian connection to High Street to the north. As such, the proposal has a poor relationship with the High Street to the north, which is a deterioration on the existing situation, and a missed opportunity to better integrate the site to its surroundings and meet national objectives in relation to active travel. Although there is pedestrian connectivity to the east, benefits associated with a further connection and relationship to the High Street to the north have been missed.

Designing Out Crime

The Designing Out Crime Officer at the Avon and Somerset Constabulary has commented on the application. Although no objection has been raised, a number of recommendations have been made. The applicant has not contacted the LPA to discuss these recommendations, or submitted any changes in this regard.

Comments in relation to locking controls and mail controls can be dealt with outside of the planning process.

Had the application been recommended for approval, further discussion with the Designing Out Crime Officer with regards to lighting could have been agreed, via a condition process.

Conclusion

In overall conclusion on design matters, the proposal by reason of its scale, massing, height, quantum, design and layout is concluded to be overdevelopment. The proposal is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area, which includes the Street Conservation Area and heritage assets. The proposal is contrary to policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and part 12 of the National Planning Policy Framework.

Impact on Residential Amenity (Excluding Highways and Waste):

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

Residential properties are located to the south of the site on Vestry Road. Communal open space (which does not appear to be accessible to the public) is proposed on the southern side of the application site, resulting in a gap between the proposed development and existing residential properties.

At para 5.83 of the submitted 'Planning Statement', the applicant summarises separation distances between the nearest neighbours to the south (on Vestry Road) as follows:

'The total distance from the back of the properties on Vestry Road to the apartment building at the closest point is 42.5m. The distance from the garden boundary to the proposed building is 17.5m. In addition to the separation distance, there is also a levels drop between the gardens of the Vestry Road properties and the application site so the resultant development will not be a true 2 and 3 storey relationship.'

This is agreed, and due to design and siting, the proposal is not considered significantly harmful in terms of neighbour amenity issues to warrant refusal.

Notwithstanding comments below on waste collection arrangements, within the proposed development itself, due to the siting, design and overall layout it is considered that the inter relationship between future occupants and their residential amenity would be broadly acceptable in this regard. Plot distances and windows are adequately designed in this regard.

A 'Noise Impact Assessment' has been submitted with the application, which concludes thus:

'The site is potentially affected by noise from the adjacent Southside Car Park, noise from the adjacent retail service delivery yard and air handling plant. Consideration has also been given to the potential for noise from the Crispin Hall and Community Centre.'

The rear of Cottages 1-6 and some apartments with line of sight to the rear retail service yard may suffer a degree of adverse noise impact from retail deliveries when they occur. However, given that the retail space only receives one delivery per week this is considered not to cause a net adverse noise impact. All other sources of ambient noise are low in level and character and should not cause any degree of impact.'

On the above basis it is considered that the future residents of the proposed sheltered housing development will not be subject to a significant adverse noise impact from any of the surrounding existing sources of ambient noise. There are therefore considered to be no noise grounds why planning consent should not be granted.'

It is noted that the Environmental Protection team has not objected to the proposal, or raised concerns in relation to noise. Following consideration of the submitted 'Noise Impact Assessment', it is concluded that the application is acceptable in relation to noise.

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

In conclusion on this matter, notwithstanding comments below on highways and waste collection (see below), the proposed development is concluded to be broadly acceptable and would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy or noise.

Impact on Ecology:

The application site is within the Somerset Moors and Levels Ramsar Risk Area and the SSSI Impact risk zone.

The application has been supported by a 'Preliminary Ecological Appraisal & Bat Roost Assessment' and a supplemental 'Bat Survey Report' both prepared by Tetra Tech. A document titled 'Lighting Assessment – Overview Statement' prepared by Hydrock has also been submitted – however this does not include specific lighting proposals, a lux diagram or an assessment of impacts on protected species.

The Somerset Ecologist has reviewed the application and confirmed trees within the site have the potential to support nesting birds. The 'Preliminary Ecological Appraisal & Bat Roost Assessment' includes other recommendations including:

- Construction to avoid the bird nesting season
- Provision of bird boxes

The 'Preliminary Ecological Appraisal & Bat Roost Assessment' and a supplemental 'Bat Survey Report' have confirmed the existing building has bat roosts. The supplemental 'Bat Survey Report' sets out proposed mitigation measures including:

- Timing of works to avoid the bat hibernation period
- Method of works to protect bats
- Obtaining a bat licence from Natural England to undertake works [as is a statutory requirement when bats are confirmed to be present]
- Replacement of roosts (at least 2no)
- Development to incorporate appropriate roofing materials
- A sensitive and suitable lighting strategy
- A planting scheme as part of the development proposal made up of native species and nectar rich and seed/fruit producing species.

The Somerset Ecologist has not objected to the proposal in relation to protected species, including loss of trees. Various conditions have been recommended by the Ecologist, which would have been included if the application had been recommended for approval.

Biodiversity Net Gain (BNG)

10% biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Further guidance to applicants on how to apply this in Somerset is set out in Somerset Council's 'Biodiversity Net Gain Guidance Note' (February 2024).

A 'Biodiversity Net Gain Assessment' was completed by Tetra Tech which confirmed the proposed level of BNG as follows:

'Development proposals would likely result in a net gain of approximately 0.89 habitat units (56.93%) and a net gain of approximately 0.45 hedgerow units (278.90%).'

It is understood this gain is due to the existing low levels on the site, which is made up of predominantly hardstanding and buildings – although there is some hedgerow and seven individual mature trees also present.

The Somerset Ecology team has commented on this application. The submitted 'Biodiversity Net Gain Assessment' is accepted and the application is concluded to comply and exceed policy requirements in relation to BNG. Had the application been recommended for approval then it would have been accompanied by a condition to control delivery of the BNG set out in the application.

Nutrient Neutrality

The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. As the proposed development would pose a risk to the designated features of the SPA and Ramsar, a Habitats Regulations Assessment is required in relation to phosphates to demonstrate nutrient neutrality before an application can be supported.

The application has been supported by a 'Nutrient Statement' prepared by Tetra Tech. This sets out the applicant's assessment of the nutrient level changes anticipated by the development, and proposes the purchase of credits to offset the impact of the development.

The application has not been supported by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), which is a requirement of such applications – as set out in Somerset Council’s ‘Nutrient Neutrality in Somerset: Guidance for Applicants, Last Updated: May 2024’.

There is no objection to the purchase of credits in principle – indeed there are a number of established credit schemes operating in the catchment. However, no information has been provided confirming which credits would be secured.

Comments from Natural England has identified concerns with the methodology of the ‘Nutrient Statement’ as follows:

‘Gardens are included in the urban land use and therefore there is no grounds for applying the phosphorus export rate for open space for these areas. We would therefore advise the phosphorus budget is recalculated with the entire development area classed as an urban land use.’

This position has been reiterated by the Somerset Ecology team. No further information has been received by the applicant to seek to address this matter.

Had this required information been received then the LPA could have undertaken an Appropriate Assessment for Natural England’s consideration. In light of the applicant’s refusal to agree additional time for the LPA to consider the application and its notice of the intention to lodge an appeal against non-determination, the LPA has not undertaken an appropriate assessment. Regardless, in the absence of the required information (NNAMS and phosphorus budget recalculation) it cannot be ascertained that the proposal would not adversely affect the integrity of the Ramsar site and hence the Appropriate Assessment would have failed. Accordingly, as the exception tests in regulation 64 do not apply, the local planning authority cannot permit the proposal. This is therefore a further reason for refusal.

Conclusion on Ecology

Following review of the application, including by Natural England and the Somerset Ecology team, the proposal is considered acceptable in relation to protected species and BNG.

Insufficient information has been submitted to demonstrate the development can achieve nutrient neutrality. Had the applicant engaged more positively with the LPA, it may be that this matter could have been resolved.

Trees and Landscaping:

There are a number of trees within and near the site, including a formally protected willow (TPO ref M302 – tree T1) on the south east corner of the site. Any trees in the conservation area are also formally protected.

The application has been supported by an ‘Arboricultural impact appraisal and method statement’ (including schedule of trees), a ‘Manual for managing trees on development sites’, and a ‘Tree Protection Plan’ drawing, all prepared by Barrell Tree Consultancy. The submitted method statement is high level rather than a detailed methodology specific to this site and development.

In relation to proposed tree felling, tree works, protection measures and post development pressure to fell, the ‘Arboricultural impact appraisal and method statement’ summarises the proposal as set out in the table below. Four individual trees (T6 birch; T7 birch; T8 birch; T9 London plane) and a further tree group (T18 pittosporum, silk tassel bush) are proposed to be felled. It is understood from elsewhere in the report and the Tree Protection Plan that a further category U birch tree (T5) is also proposed for felling, although not captured in the summary table below.

Table 1: Applicant Summary of Tree Impacts

	British Standard 5837 Category		
	A (High quality)	B (Moderate quality)	C (Low quality)
Remove	None	T9	T6, T7, T8, part of G18
Prune	None	None	None
Protect using special precautions <small>See Notes below</small>	T17	T1, T10, T11, T12, T13, T14, T16	T2, T15, G18
Post development pressure to fell	None	None	None

Source: Arboricultural impact appraisal and method statement

Verbal comments have been received from the Tree Officer. The Tree Officer has confirmed there is no objection to the proposed works near T17 (TPO'd willow outside the south east corner of the site). Although there is some concern that information has not been submitted confirming proposed boundary treatments in this part of the site, it is considered possible that a solution could be found - which could be controlled by condition if the application had been recommended for approval.

The Tree Officer has further confirmed there are no objections to the proposed works adjacent to T1 and T2 (by the vehicular entrance), as protection measures could be implemented without harm or undue pressure on these trees.

The cluster of conifer trees located in the south western corner of the site (T10-14) are very tall trees, which (although are recommended for TPO) make a significant contribution to the character and appearance of the area - which is identified in the Local Plan and NPPF as a material consideration. In this case, the Tree Officer has outlined concerns that these trees could be subject to pressure to prune and fell due to their height and proximity to the proposed development. Furthermore, the absence of proposed boundary treatment arrangements in this part of the site is a significant concern for the Tree Officer. Based on the information submitted, and considering the existing site characteristics (i.e hard surfacing (tarmac) and concrete kerb edgings) including existing boundary arrangements (primarily comprising a low stone wall), the Tree Officer is unable to confirm that a technical solution would be possible to confirm these trees could be retained successfully and sustainably - i.e. the LPA cannot confirm this could be adequately addressed by

condition. As these trees are not formally protected, and a TPO would not be justified in this case, there would be no planning controls available to protect these trees (other than a landscaping condition which would typically be in place for only five years). In the event these trees are lost in future, the proposal includes inadequate replacement planting to mitigate for their loss (see below).

The application submission refers to replacement planting. The 'Planning Statement' states 23 new trees are proposed. A two-page 'Landscape Strategy Masterplan' has been submitted with the application, which sets out an overall approach to planting in its 'Design Parameters' and refers to a planting palette. A detailed planting plan has not been submitted. As such, it cannot be demonstrated that appropriate planting is proposed, in viable locations to adequately mitigate for the proposed tree loss and to adequately integrate the development into its setting. Although planting is shown on the proposed layout plan, this is also insufficiently detailed to demonstrate the proposed development would be acceptable in this regard.

It is therefore concluded that the proposed development has failed to demonstrate it would not have an adverse impact on trees which have significant visual or amenity value. Further, the proposal has failed to demonstrate appropriate and viable replacement and mitigation planting can be delivered. The proposal is contrary to policies DP1 and DP7 of the adopted Local Plan Part 1 (2014) and parts 12 and 15 of the National Planning Policy Framework.

Highway Issues:

Capacity

There are no objections to the proposal on highway capacity grounds.

Vehicular Access

The proposed development would be accessed off Leigh Road, using an existing access road, formerly used for deliveries for the supermarket.

The Highway Authority (HA) has assessed the application and confirmed the proposed access is concluded to be wide enough for two-way private vehicle movements.

The HA has reviewed the traffic survey data submitted with the application and confirmed that Leigh Road is a relatively busy road – with an average of 5.6 vehicles per minute in the am peak and 5 vehicles per minute in the pm peak. Traffic 85th percentiles speeds on Leigh Road have been assessed as 25.8mph northbound and 22.5mph southbound. The existing access point includes an area demarcated for taxis, and the HA has concerns this would block the required visibility splay. Approximately 75m to the northwest of the proposed access is a priority junction with High Street. The HA has outlined concerns the visibility splay cannot be achieved in either direction *‘on a highway that is relatively busy, leading to the potential requirement for excessive ‘creep and peep’ behaviour from vehicles exiting the proposed development.’*

Parking

The proposal includes the loss of 82 town centre car parking spaces. Although the submitted Transport Statement (TS) includes details of a parking survey, the HA has confirmed there is concern of parking pressures in the town centre. The HA is concerned alternative parking provision mentioned in the submitted parking survey would not be as convenient, and the development would reduce the number of disabled and parent and child spaces in the town centre. Such pressure may result in unauthorised parking practices, neighbour disputes and economic harm to the town centre.

Turning to parking levels within the development itself, the Somerset Parking Strategy (SPS) sets out the optimum parking levels for development within Somerset. The SPS utilizes zones to determine parking levels, with Street falling in zone B. The HA has confirmed that as there is no proposed control mechanism to require future occupants to be retired, the proposal generates the need for normal residential parking levels. The SPS

for zone B, use class C3, requires an optimum parking level of 2 spaces for a two-bedroom property and 1.5 spaces for a one-bedroom property. For this development this equates to a total optimum parking level of 97 spaces. In this case there is a total proposed provision of only 32 spaces, which is just under 33% of the optimum level. Furthermore, this does not account for visitors, staff, or medical practitioners. As the adjacent Southside public car park is a pay and display car park with a maximum stay of 3 hours, this is not a suitable alternative. The HA has further noted that *'given the distance to services such as supermarkets from this location, and the lack of public transport to these services to allow homeowners to complete a shopping trip for groceries, there is likely to be a higher reliance on the private vehicle compared to other similar developments in different locations.'* Whilst it is accepted that there may be a lower level of vehicle ownership given the nature of the development, the HA has objected to such a low level.

The HA has also objected on the basis that the proposed parking bays do not have the required minimum 6m behind them, which would lead to additional manoeuvring to enter/exit the spaces. Notwithstanding the drawings submitted with the TS, the HA has noted that the parking bays for Cottage 1 and spaces numbered 1, 7, 8 and 21 will have particular difficulties due to a lack of turning area.

The application has not been supported by a plan showing the revised layout of the adjacent car park. Although this is outside the red line of this application, this means it is not possible to determine the full extent of implications on the car park - including car park layout and manoeuvrability arrangements; servicing arrangements for the commercial buildings accessed from this car park; and refuse collection arrangements for the flats (see waste section below).

Appeal APP/R0660/W/23/3317173 at 17 & 19 Holly Road South, Wilmslow, Cheshire SK9 1NQ was dismissed on 11.09.2023. Here, the Inspector concludes the proposal, from the same applicant as this case, represents C3 residential development, with associated parking requirements:

'33. The appellant's Transport Statement categorises the proposed use as a C2 Residential Home and concludes that only 11 parking spaces would be required to

accord with the parking standards contained in the development plan. However, despite this, and despite references to the proposal being Sheltered Accommodation by both main parties, it is common ground between them that the proposed development would be for C3 dwellinghouses⁹; such a use in a KSC such as Wilmslow would require 45 parking spaces to be provided (23 for 1-bed apartments and 22 for 2/3-bed apartments)¹⁰. The appellant's proposal is for 16 car parking spaces in total, very considerably below the adopted parking standards in the development plan.'

On parking matters, the Inspector concludes the proposed parking levels significantly below residential parking standards would represent harm to highway capacity and safety, and would be contrary to the NPPF (emphasis added):

'49. I am not, therefore, satisfied that the limited evidence provided by the appellant and the Council demonstrates that such a significant departure from the parking standards contained in the adopted development plan is justified. With reference to paragraph 111 of the Framework, I am not satisfied the proposed parking provision and increased level of trips would not have an unacceptable impact on highway safety in the area.'

'51. For these reasons, the proposal would adversely affect parking provision, highway capacity and safety. It would therefore, conflict with Policies SD1 (sustainable development in Cheshire East) and CO2 (enabling business growth through transport infrastructure), and the parking standards contained at Table C.1 of Appendix C of the CELPS; and with Policy TA1 (residential parking standards) of the Wilmslow Neighbourhood Plan 2019 (WNP), and with the Framework, in this regard.'

Cycling

Although cycling levels may be expected to be lower with this development typology, no cycle storage facilities have been included in the plans. Whilst cycles could potentially be

stored in the modest garden sheds shown at cottages 1-6, there is no storage shown for the rest of the development. Whilst further garden sheds could be included in the modest gardens of cottages 7-11, further consideration would be required for the flats, which may undermine the already limited amenity space.

Electric Vehicle Charging

'The Somerset Electric Vehicle Charging Strategy' (2020) sets out technical requirements for electric vehicle (EV) charging above those set out under Building Regulations. The need to EV charging is clearly set out in 'Somerset's Climate Emergency Strategy' (2020).

The applicant has not demonstrated these requirements can be met. This is therefore incorporated into the recommended reason for refusal on parking.

Travel Plan

The Council's 'Travel Planning Guidance' (2011) has been considered. The HA expects to see a full travel plan on development over 31 units. Although para 1.4 of the submitted 'Transport Statement' states that a full travel plan has been prepared by Paul Basham Associates and submitted with the application, this has not been received by the LPA. As such, this has not been reviewed by the LPA's travel plan team. Whilst this is not included as a reason for refusal, as this could be secured via discussion associated with a legal agreement, this is far from best practice.

The LPA would expect to see the terms of a travel plan secured in a legal agreement. No legal agreement has been completed.

Servicing

Without a plan of the nearby car park, insufficient information has been provided to demonstrate safe and appropriate arrangements can be made for the servicing of the retail units on the High Street to the north of the application site.

Other Highways Matters

Neighbour comments have referred to construction management, including on market day. In the event the application had been recommended for approval, such matters could have been controlled by a construction traffic management plan condition.

Conclusion on Highways Matters

In conclusion on this matter, the proposal has failed to demonstrate that a safe vehicular access, with suitable visibility splays can be secured. Furthermore, there are significant concerns with the very low level of parking within the site, the inadequate layout and manoeuvrability of some of the spaces and the displaced public parking spaces. This also represents harm in relation to amenity and health and well-being. The proposal is therefore contrary to policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and part 9 of the National Planning Policy Framework. These issues relate to two highway reasons for refusal, as recommended.

Refuse Collection:

The application has been supported by a 'Recycling and Waste Management Plan', and waste collection points are shown on the proposed layout plan.

Comments from Somerset Waste Services (formerly known as Somerset Waste Partnership) have not been categorised by them as an objection. However, various concerns have been raised, and it is concluded that Somerset Waste Services (SWS) assumed the applicant would submit further information to try to overcome the matters raised through the life of the planning application. However, no further information has been submitted to seek to address these matters, so the application must be determined

as submitted. The HA has submitted a formal objection relating to the unacceptable waste collection arrangements.

Collection Arrangements – Cottages

Somerset Waste Partnership's 'Planning homes with recycling in mind' guidance document sets the maximum distances from the refuse vehicle to bin collection points:

'SWP asks developers to adopt best practice recommendations cited in BS 5906 which recommends that containers are transported no further than:

- *15m for boxes or 2-wheeled containers*
- *10m for 4-wheeled containers*

The collection point for individual properties is from the curtilage nearest the public highway, allowing vehicular access for collection vehicles. This is typically the front edge of the property'

Para 6.8.9 of Manual for Streets (2007) confirms that collection points can be on-street, or at another location defined by the waste authority. Key points of part H of the Building Regulations are also set out as follows:

- *'residents should not be required to carry waste more than 30 m (excluding any vertical distance) to the storage point;*
- *waste collection vehicles should be able to get to within 25 m of the storage point (note, BS 5906: 200518 recommends shorter distances) and the gradient between the two should not exceed 1:12. There should be a maximum of three steps for waste containers up to 250 litres, and none when larger containers are used (the Health and Safety Executive recommends that, ideally, there should be no steps to negotiate); and*
- *the collection point should be reasonably accessible for vehicles typically used by the waste collection authority.'*

SWS has confirmed services are provided from the adopted highway. SWS has outlined concerns the distances would be too far. If agreement is reached for collection trucks to enter the site (either through adoption of the road; or agreement between SWS and the

applicant), then the submitted refuse vehicle tracked drawing submitted with the Transport Statement is relevant. SWS has expressed concerns with this drawing shows *'very little room for error when manoeuvring in a large lorry.'* The HA has objected to the application and outlined concerns in this regard as follows:

'The proposed access route and internal layout do not seem suitable for waste vehicle routes. The supplied refuse vehicle tracking drawing shows areas of potential impact with parked vehicles and landscaped areas, including those of the front gardens of cottages 7-11. These noted issues could lead to the refusal for waste vehicles accessing the site, and therefore, the distance for waste collection being above the maximum, for both refuse operators and residents.'

Two communal collection points are proposed to service the 11 cottages. Although kerbside collection is preferable from a workstream efficiency perspective, bin collection points are sometimes agreeable. As future occupants would be older, it is unclear all could manage with the communal bin arrangements. The rear gate of Cottage 1 is circa 28m from the communal bin store. This has potential to harm to the health and well-being of future occupants.

The SWS has outlined concerns, and suggested kerbside collection is preferable for the cottages, which may encourage more people to take responsibility for their own waste containers, and may assist some residents who may struggle *'lifting the heavy lids of communal bins and perhaps needing a smaller alternative.'* As with the other elements of this application, no response has been received from the applicant to seek to address these comments from SWS or the HA.

Collection Arrangements – Flats

A refuse room is proposed as part of the flats, located to the west of the building. Fronting this is an area of hardstanding, which allows gated access to Southside Car Park. The submitted 'Recycling and Waste Management Plan' confirms the Lodge Manager would be responsible for ensuring bins are located in the area of hardstanding on collection days. It is unclear if parking spaces would be located immediately adjacent to the waste collection area, and if the bins could be adequately collected from this location. Notwithstanding SWS has not objected on this matter, no drawings have been submitted showing the proposed layout of the car park, so it has not been demonstrated that safe and appropriate access and manoeuvring can be achieved within the car park. It is unclear what distance the crew would need to travel to collect the bins, and that this could be achieved.

Capacity - Cottages

Notwithstanding the proposed site plan does not show bin storage areas for cottages 7-11, future occupants would need to walk bins along the road (majority with no footpath) to the communal bin store. As the crow flies, the front door of cottage 11 is circa 22m from the communal bin store. In reality this would be longer, and regular trips would be necessary to account for the different types of waste and recycling.

Similar to the 'shelter' proposed to house the listed mural, no detailed plans have been submitted showing the two proposed communal waste collection point storage areas. The roof areas of these buildings are shown on the proposed site layout as circa 5.6m x 1.8m.

The applicant has not confirmed whether communal waste facilities or individual waste facilities are proposed.

If individual waste facilities are proposed, this would include: a wheelie bin for household waste; a box for paper and cardboard; a box for glass; a bag for plastic and cans; a food waste bin; and an optional garden waste wheelie bin.

'Planning homes with recycling in mind' confirms that communal collections for up to 6 households would require the following:

- 1 x 240L wheeled bin - mixed paper, cardboard
- 1 x 240L wheeled bin - glass
- 1 x 240L wheeled bin - cans and plastic bottles, pots, tubs and trays
- 1 x 180L wheeled bin - food waste
- 1 x 180L wheeled bin - garden waste

The applicant has not demonstrated the communal bin areas could accommodate all of these.

Capacity – Flats

The submitted 'Recycling and Waste Management Plan' confirms that the applicant has established their own waste generation needs for the flats as 5 x 1100 euro bins (noting no evidence is submitted to support this). Further, this does not clarify whether it relates to general waste only or if this also includes the different recycling categories.

SWS has concluded that the development would require '*8 x 1100L bins (1 per 6 properties) and (a recommendation of, based on number of properties) up to 10 x240L recycling containers for shared use*'. SWS has outlined concerns that the room would be too small.

It is unclear where refuse would be stored in the event the proposed storage room was too small. This has potential impacts on residential amenity, character and appearance, health and well-being and highway safety.

Conclusion on Waste Matters

Insufficient information has been submitted to demonstrate that safe and appropriate waste storage and collection arrangements can be achieved. There are concerns in relation to highway safety, with refuse trucks potentially being unable to access the development and remove waste containers. This results in highway safety concerns, with refuse vehicles potentially blocking Leigh Road or Southside Car Park.

There are associated harms including the health and well-being of future occupants who would be left with inadequate waste collection services, some of whom may need additional support due to their age. There are also harms in relation to neighbour amenity and character and appearance of waste collection and storage problems. The proposal is therefore recommended for refusal on this ground, as it is contrary to policies DP1, DP7 and DP9 of the Mendip Local Plan and paragraphs 96 and 97 and Section 9 of the National Planning Policy Framework (NPPF).

Heritage Assets:

Whilst the majority of the site is considered to make a neutral contribution to the conservation area, the site includes a listed mural, and is adjacent and nearby to various sensitive historic assets, listed buildings and non-designated heritage assets.

The NPPF confirms there are different categories of harm to heritage assets including:

- Substantial harm – such as significant alteration or demolition of the asset – where works should only be permitted in exceptional circumstances (paras 205-207 of the NPPF). Substantial harm has not been identified as part of this application.
- Less than substantial harm – impacts to the significance of heritage assets should be considered on a scale (low, moderate or high) – development should only be permitted where harms are outweighed by public benefits (see para 208 of the NPPF).
Less than substantial harm has been identified in this case.
- No harm – public benefits do not need to be outweighed by public benefits.

Significant concerns were identified as part of pre application discussions, which have not been adequately addressed in the application submission.

Objection comments have been received from the Conservation Officer on this planning application. Full comments are outlined above. A summary of overall concerns in relation to impact on heritage assets is set out below:

- The proposal to have residential dwellings built so close to these heritage assets would negatively impact their significance and the significance of the conservation area. It would remove the legibility of the origins of the Leigh Road and would result in an overdeveloped site. This is further increased by the proposed parking layout around the boundary of the site on Leigh Road.
- The proposed main building would be very tall and bulky when compared to the surrounding buildings which are predominately two storeys; and the current design would appear incongruous with the character of the surrounding area.

- The addition of the mews cottages and the terrace cottages are inappropriate within this context.
- The proposed balconies would be out of place amongst the public/civic buildings.

Following further verbal comments from the Conservation Officer, harm associated with the development is quantified and summarised as follows:

- Street Conservation Area – moderate level of less than substantial harm
- Crispin Hall (GII) – moderate level of less than substantial harm
- Buildings of Central Somerset Mural (GII) – moderate level of less than substantial harm
- Locally listed buildings/ non designated heritage assets – moderate level of less than substantial harm

The application has been supported by a ‘Heritage Statement’ prepared by ecus. The submitted Heritage Statement concludes the development represents no harm to any heritage assets as summarised below:

- Street conservation area – no harm
- Crispin Hall (GII) – no harm
- Buildings of Central Somerset Mural (GII) – no harm
- Locally listed buildings (library (no. 1 Leigh Road; 637), Vestry Room (no. 6 Leigh Road; 630), Methodist Church (228), cinema (229), Strode School (no. 10-12 Leigh Road; 231) and no 23 (635) Leigh Road) – no harm

Non-Designated Heritage Assets

Para 209 of the NPPF requires consideration of non-designated heritage assets thus:

‘209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

The Conservation Officer has confirmed that the following buildings have been identified as making a positive contribution to the character of the conservation area and are non-designated heritage assets. Most are nominated for inclusion on the Local Heritage List.

- Library (1924) - with classical detailing and street presence.
- The Vestry Room (1887) - former police station.
- Wesleyan Methodist Church (now Leigh Road Methodist Church) - built in the gothic style, a typical rebuilding of a 19th century non-conformist Church. Although built in a different architectural style, the prominent gable end facing the road built from blue lias with hamstone dressing does not look out of place with the other public/civic buildings within the conservation area.
- Strode School (Numbers 10-12 Leigh Road) (1925).
- War memorial.
- The Maxime Cinema - opened in 1921 in a former Victorian public hall, its prominent façade is a mixture of neo-georgian and Queen Anne revival with a 1920 date stone.
- One of the earliest brick-built buildings constructed in Street.
- Also worthy of note, (although not a non-designated heritage asset) is the mid-20th century garage building, its prominent and somewhat iconic gable elevation addressing the road.

The Conservation Officer has assessed the application and the objection includes harm to non-designated heritage assets. This harm is quantified as moderate within the spectrum of less than substantial.

The proposal by way of form, siting, scale and massing is concluded to represent unacceptable harm to local non-designated heritage assets.

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The application site boundary abuts the urban area of the conservation area on two sides.

It is concluded that the existing application site provides a neutral impact on the conservation area.

Leigh Road is historically a civic street. Due to the distinctive appearance of this street, it has been defined as its own character area within the Conservation area appraisal.

The southern boundary of the conservation area is defined by three prominent buildings, which also mark the extent of the urban section of Leigh Road:

- No. 23 Leigh Road, an attractive modest house with a rare render finish, likely to be of a similar date to many of the buildings along this road.
- No 26 Leigh Road, which stands on the opposite corner to Strode School, a modest house made from blue lias
- Grade II Listed Hindhays, built in 1807 by James and Cyprus Clarke for their father, Joesph Clarke I.

The Conservation Officer has confirmed the objection includes assessment of the proposed layout, with the largest building proposed at the southern edge of the site. It would be particularly prominent from Vestry Road and Leigh Road leading to the conservation area. The proposed scale and character are not in keeping with the character of the surrounding buildings - with either the non-designated heritage assets along Leigh Road or with the row of terrace houses along Vestry Road. The main building would also be partially visible between the Methodist Church and the Old Police Station (No. 8 Leigh Road).

The harm to the conservation area as a result of the proposal is concluded to be moderate within the spectrum of less than substantial.

In this case it is concluded that, by virtue of the design, scale, massing and position, and having regards to the Conservation Area Assessment of Street (2008) the development would represent harm to the significance of the heritage asset or its setting and the proposed development would fail to at least preserve the character and appearance of this part of the conservation area and its setting. The proposal is therefore contrary to Policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Listed Buildings

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The application site includes Grade II Listed Mural, 'Building of Central Somerset', which is a ceramic mural depicting the buildings and natural environment of Somerset. This was designed and made by Phillippa Threlfall and commissioned by C & J Clarke Ltd for The Crispin Centre. The mural was deemed to be of national significance and included on the National Heritage List for England in 2017.

The Conservation Officer has confirmed the proposed development represents less than substantial harm to the listed mural due to its negative impact to its significance. Although the mural is shown as retained and adjacent to a footpath which would pass relatively close to the mural, the Conservation Officer has expressed concerns that the layout and gates would suggest the mural is on private land, restrict public access opportunities, and fail to celebrate and showcase this asset. Further, there are concerns the application has failed to demonstrate the shelter would provide adequate weather protection.

The Grade II Listed Crispin Hall is immediately to the north of the application site. This is identified as a landmark building within the conservation area appraisal. It sits in a prominent position on the corner of Leigh Road and the High Street. Due to the concerns

outlined above, the proposal is concluded to represent less than substantial harm, at a moderate level.

Here it is concluded that the proposals are inconsistent with the aims and requirements of the primary legislation and planning policy and guidance. The proposals would fail to preserve the setting of the listed building, thereby resulting in harm to the significance of the designated heritage assets. The proposal is therefore contrary to policy DP3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

Conclusion on Heritage Assets

When taken as a whole, the application in its current form would have a negative impact on the significance of the heritage assets in and around the site. Street is synonymous with the Clarks and their influence is still greatly evident within the appearance of the townscape today, especially within the area that immediately surrounds the site, with Leigh Road being created as a civic street.

Although the Conservation Officer has confirmed there is no objection to the principle of the redevelopment of this site from a conservation perspective, the current proposal amounts to overdevelopment of the site, including layout, design, scale and massing. This would have a negative impact to the significance of the surrounding designated and non-designated heritage assets and the conservation area, particularly to the Leigh Road Character Area. These assets are of significant heritage value, both locally and nationally.

Paragraph 208 of the NPPF requires any harm to significance of designated heritage assets to be outweighed by public benefits. Public benefits in this case would include reuse of a brownfield site in a town centre location; delivery of housing to address an identified shortfall, including for older persons; limited benefits to the local economy through construction and increased spend; and benefits in relation to BNG and carbon reduction. These benefits are not strong enough to overcome the moderate level of harm identified on various heritage assets – with such high density development on this prominent location on the edge of the conservation area.

Archaeology:

The site is adjacent to an Area of High Archaeological Potential (to the north).

The application has been supported by an 'Archaeological Desk Based Assessment' prepared by ecus. This has been considered by the Somerset Archaeologist, and no objections have been raised. It is concluded by the Somerset Archaeologist *that 'although the site lies within an area where later medieval and post-medieval remains may be present the proposed redevelopment would be located within the footprint of previous disturbance and so only truncated remains are likely to be impacted.'*

The Somerset Archaeologist recommended a condition for a programme of works in accordance with a written scheme of investigation (WSI), which would have been recommended if the application had been put forward for approval.

The application is therefore concluded to be acceptable in this regard.

Drainage:

The application site is entirely within flood zone 1, meaning it is acceptable for development in principle drainage terms. The existing site is hard surfaced, with established drainage management.

As the site is less than 1ha, a flood risk assessment has not been submitted. Instead, the application has been accompanied by a 'Flood Risk and Drainage Technical Note' prepared by AWP. This sets out the broad surface water management arrangements. It is stated that infiltration is not possible on this site. Instead, a cellular attenuation tank is proposed under the parking court in the centre of the site. The submitted 'Flood Risk and

Drainage Technical Note' concludes there would be a surface water management betterment compared to the existing situation.

In relation to foul management, the submitted 'Flood Risk and Drainage Technical Note' states:

'5.3 Foul flows generated by the proposed development will drain through a new private gravity foul network and will retain use of the sites existing outfall to the Wessex Water (WW) adopted foul sewer network, within Leigh Road.'

The Lead Local Flood Authority (LLFA) commented on the application as first submitted and raised various technical queries on the proposed surface water drainage. Following the submission of updated information, updated comments have been received from the LLFA. The LLFA has noted that under-drained porous paving has now been included in the proposed drainage strategy, but full calculations have not been included – and are expected at application stage. The other matters raised by the LLFA are now concluded to be addressed. Were the application to be recommended for approval then detailed drainage matters could be controlled by condition.

It is further noted that underground cellular tanks are less desirable than other SUDS features, such as swales, green roofs, etc – which also have biodiversity and amenity benefits. Whilst this is disappointing, and far from best practice, as a technical solution to drainage can be found, this is not included as a reason for refusal in this case.

In conclusion on this, on balance, the proposed development is considered capable of managing drainage acceptably.

Sustainability and Renewable Energy:

Policy DP7 of LP1 requires proposals for new development to demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and

design and maximise opportunities for the use of sustainable construction techniques through the use sustainable drainage systems; renewable energy generation on site; the use of water efficiency measures, recycling and conservation; and new residents to minimise, re-use and recycle waste, in addition to using locally sourced or recycled materials wherever practically possible.

The application has been supported by an 'Energy Statement' prepared by Focus Consultants. This confirms the development is designed around 'fabric first' principles, to meet and exceed part L of the building regulations, as part 3.1 of the Energy Statement summarises below:

'Fabric Energy Efficiency is a measure of the efficiency of the building fabric, the key areas being building fabric U-values, thermal bridging, air permeability, thermal mass and features which affect lighting and solar gains. A higher fabric energy efficiency means that the building will require less energy to heat and cool thus reducing the energy demand of the property and the CO2 released.'

The 'Energy Statement' confirms measures include solar PV panels on the roof, solar gain, triple glazing, electric Space Heating and a Mechanical Ventilation System (MEV). The 'Energy Statement' states that such methods would result in approximately 51.35% reduction in carbon emissions above building regulations requirements. As this is a meaningful and measurable contribution, which could be controlled by condition in the event that the application were recommended for approval, this is considered a moderate benefit in favour of the scheme.

The 'Energy Statement' also confirms the proposal would comply with building regulations in relation to overheating and water usage. As this is a statutory requirement, this has a neutral weight in the planning balance.

The 'Energy Statement' says that responsibly sourced and locally sourced materials will be used where possible. As there is no commitment or control mechanism for this, it cannot be weighed in the planning balance.

In relation to waste, the 'Energy Statement' makes high level statements about using common building materials that may be reused in future; operating a waste efficiency strategy during construction; recycling collections offered by the council; and possible on site composting. This has very limited level of detail confirming any measurable or meaningful impacts.

Contaminated Land:

The northern part of the site is identified as potentially subject to land contamination due to a former garage use. The application has been supported by a 'Ground Investigation Report', which concludes:

'The ground investigation has not identified any sources of contamination that exceeds the generic assessment criteria for the proposed development...'

A number of recommendations are included in the 'Ground Investigation Report', including further assessment on radon; controls for topsoil/subsoil importing; and additional ground investigation works. The Contaminated Land team has reviewed the application and confirmed it has no objections. In the event the application had been recommended for approval, a condition requiring compliance with the 'Ground Investigation Report' could have been included.

Environmental Impact Assessment:

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

Equalities Act:

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

Impacts on Health and Well-Being:

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

Matters Raised by Street Parish Council:

Street Parish Council has recommended various conditions. All planning conditions must meet the requirements set out in paras 55-58 of the NPPF and the tests set out in the NPPG on 'Use of Planning Conditions':

1. *'necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.'*

Firstly, the Parish Council has requested a condition on communication between the applicant and nearby occupants; and that a residents' group is set up for future occupants. This is outside the scope of the planning application.

Secondly, the parish council has requested further information on the pressures on the NHS as part of this planning application. A summary of the assessment into this is set out in this report.

Thirdly, the parish council has asked to be kept informed of crime prevention methods. This is again outside the scope of the planning application and such a condition would not meet the tests. The parish council is able to comment on such matters for consideration as part of the planning application. Assessment of this is also outlined in this report above.

Fourthly, the parish council has requested a condition is placed to control construction hours. This would meet the conditions tests, is a standard condition for major development and would have been recommended in the event the application had been recommended for approval.

Finally, the parish council has asked for consideration of concession parking arrangements. The applicant has not provided comments to the LPA on this, or any other comments raised by the parish council as part of the planning application consultation. Displaced parking has been addressed in the highways section above. In the event that this application is considered at appeal, the parish council may wish to expand on implications of the proposed development on disabled parking and charity/community group transport initiatives.

Planning Balance and Conclusion:

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

Principle of Development

It is accepted that the site has been put forward for allocation. This emerging allocation currently carries very little weight. Furthermore, the prospective allocation relates to 40 dwellings. Notwithstanding the allocation quantum is a minimum, the proposed development for 55 dwellings would be significantly above this. Many of the harms identified with the proposal relate to overdevelopment, which may be overcome if a reduced quantum (and other associated design and technical amendments) were put forward.

As the Council cannot demonstrate a 5 year land supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies (the 'tilted balance'). This advises that permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The NPPF awards substantial weight on the redevelopment of brownfield land.

It is also concluded that the loss of retail at this location is not such to undermine the principle of development.

Benefits

The provision of 55 homes for older people would help to address the district's housing shortfall, and would potentially free up other housing stock. It is noted that no affordable housing provision is proposed, and the applicant has not paid for an independent viability review to verify their stated position. Similarly, the benefits of residential development are tempered by the applicant's exclusion of any obligations to mitigate impacts on public services (NHS and public open space).

Whilst limited in time, the development would generate economic benefits through the construction period. Economic benefits would also be associated with the future spending of occupants of the development in local shops and services.

Ecological enhancement measures above Somerset Council's policy requirements are proposed which would offer potential biodiversity enhancements. It is noted that as the existing baseline BNG level is very low, the BNG level that can be achieved as part of the development is higher than other developments.

Carbon reduction measures are also considered above planning policy requirements which are considered a benefit of the scheme to be weighed in the planning balance.

Harms

Harms have been identified including heritage harm to the Street Conservation Area; nearby Crispin Hall (GII); the listed feature within the site 'Buildings of Central Somerset Mural' (GII); and nearby non-designated/locally listed heritage assets. The public benefits of the proposal are not concluded to outweigh the harms.

The scale, massing, form, design and layout are concluded to be harmful to the character and appearance of the area on a prominent town centre site.

Significant highways concerns have been raised including the vehicular access off Leigh Road and inadequate parking levels.

Inadequate provision has been made for waste storage and collection.

Insufficient information has been submitted to demonstrate trees (on and near the site could be protected and that adequate replacement planting could be delivered.

Insufficient information has been submitted to demonstrate the development would achieve nutrient neutrality and not harm the Somerset Levels and Moors Ramsar site.

Overall Conclusion

Overall, the harms associated with the development are concluded to be significant and demonstrable. Despite pre application discussions, the applicant has disregarded the majority of the officer advice offered. The applicant has failed to respond to consultee issues raised during the lifetime of the application, or to work positively and proactively with the LPA to deliver an acceptable scheme at this site. The application is therefore recommended for REFUSAL for the reasons outlined in this report.

Recommendation

Refusal

1. In the absence of a completed legal mechanism to secure adequate provision for affordable housing, healthcare, off site public open space and a travel plan, the proposal is contrary to Policies DP9, DP11, DP16, and DP19 of the Mendip District Local Plan and the Greenspaces Supplementary Planning Document.
2. The proposal by reason of its scale, massing, height, quantum, design and layout is concluded to be overdevelopment resulting in a cramped and awkward arrangement. The proposal is unacceptable and fails to contribute and respond to the local context and maintain the character and appearance of the surrounding area, which includes the various heritage assets. The proposal is contrary to policies DP1, DP3, DP7 and DP14 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

3. The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of sufficient technical information evidencing the level of phosphates generated by the development, and sufficient mitigation measures to demonstrate that phosphate neutrality can be achieved, the local planning authority is unable to carry out an appropriate assessment to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. Regulation 63(5) of the Conservation and Habitats Species Regulations 2017 states that a competent authority may agree to a plan or project only after ascertaining that it would not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in regulation 64. As it cannot be ascertained that the proposal would not adversely affect the integrity of the Ramsar site, and as the exception tests in regulation 64 do not apply, the local planning authority cannot permit the proposal. The proposal is therefore not in accordance with policies DP5 and DP8 of the adopted Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and part 15 of the National Planning Policy Framework as there is potential for the proposed development to result in adverse effects on the Somerset Levels and Moors Ramsar site.

4. Insufficient information has been submitted to adequately demonstrate that the development can be accommodated on the site whilst protecting the existing trees in the interests of their visual appearance and amenity. Insufficient information has been submitted to demonstrate appropriate and viable new and replacement planting can be delivered to mitigate for losses and integrate the development into its setting. As such the proposal is contrary to policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and parts 12 and 15 of the National Planning Policy Framework.

5. The proposed development does not make adequate provision for the parking of vehicles within the site, both in relation to the number of spaces provided and the siting and associated manoeuvrability of some of the spaces. Further, the proposal would displace public town centre parking. The proposal would therefore be likely to encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point.

Further, the proposal does not demonstrate the provision of electric vehicle charging points can be delivered on the site in accordance with The Somerset Electric Vehicle Charging Strategy. The proposal is therefore contrary to section 9 of the National Planning Policy Framework (NPPF), policies DP7, DP9 and DP10 of the Mendip District Local Plan, The Somerset Electric Vehicle Charging Strategy (2020) and Somerset's Climate Emergency Strategy (2020)

6. Insufficient information has been submitted to demonstrate that a safe vehicular access to the site from Leigh Road can be achieved. The proposal therefore does not meet the requirements of section 9 of the National Planning Policy Framework (NPPF) and policy DP9 of the Mendip District Local Plan.
7. The proposed development would not make adequate provision for the manoeuvring of refuse vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional hazard to all users of the road and interference with the free flow of traffic. The proposal would result in unacceptable waste collection arrangements for future occupants in relation to amenity and health and well-being. The proposal is contrary to policies DP1, DP7 and DP9 of the Mendip Local Plan and paragraphs 96 and 97 and sections 8, 9 and 12 of the National Planning Policy Framework (NPPF).
8. The proposed development by reason of the design, scale, massing and position would have a negative impact on the significance of the heritage assets in and around the site including Street Conservation Area, Crispin Hall (GII), Buildings of Central Somerset Mural (GII) and nearby non designated heritage assets. In this instance the harm to the significance of the designated heritage assets is not outweighed by the public benefits identified and the proposal is contrary to policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 16 of the National Planning Policy Framework.

Informatives

1. This decision relates to the following :
 - o Location plan - 10126ST - PA00
 - o Site Plan - 10126ST - PA01
 - o Ground Floor Plan -10126ST - PA02
 - o First Floor Plan -10126ST - PA03
 - o Second Floor Plan - 10126ST - PA04
 - o Roof Plan - 10126ST - PA05
 - o Elevation Sheet 1 - 10126ST - PA06
 - o Elevation Sheet 2 - 10126ST - PA07
 - o Context Elevations 1 - 10126ST - PA08
 - o Context Elevations 2 - 10126ST - PA09
 - o Terrace Elevations - 10126ST - PA10
 - o Mews Elevations - 10126ST - PA11
 - o Mural Canopy Elevations - 10126ST - PA12
 - o Decoupling Works - 10126ST - PADEC1
 - o Decoupling Works - 10126ST - PADEC2

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.