

Urgent Report for Planning Committee

Location	Land At Underhill Lane Ston Easton Wells Somerset
Description	Demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.
Appellant	Curo Enterprise Ltd, Thomas Rory St John Meadows & Richard John Cussell
PINS reference	APP/E3335/W/24/3342993
LPA reference	2022/1427/FUL

Introduction

1. The following matter has arisen since the agenda was published and requires an urgent decision by the Planning Committee in terms of the LPA's defence of the current appeal

Background

2. This note relates to a cross boundary proposal within Somerset Council (SC) and Bath and North East Somerset (BANES) at Underhill Lane, on the edge of Midsomer Norton, that has progressed through to an appeal.
3. The proposal includes:
 - a. Two existing dwellings which are proposed to be demolished to make way for the proposed access – which are within the BANES area (application reference 22/02932/FUL, appeal reference APP/F0114/W/24/3342994).
 - b. The remaining proposed works, including dwellings and associated works – which are on a greenfield site within the SC area (application reference 2022/1427/FUL, appeal reference APP/E3335/W/24/3342993).**
4. Both applications 2022/1427/FUL and 22/02932/FUL were refused by East Area Planning Committee and BANES planning committee respectively. They are the subject of a current appeal.

Resubmitted Applications

5. Following refusal of both planning applications in SC and BANES (the subject to this appeal), further planning applications were submitted (2024/0315/FUL in SC and 24/00662/FUL in BANES).

6. Minor changes and clarifications were made to the second application under reference 2024/0315/FUL, to include the following aspects, in addition to clarification on a number of the points that members were concerned about when application 2022/1427/FUL was refused:
 - a. Enhanced commitment to carbon reduction measures as set out in an 'Energy and Sustainability Statement' including fabric efficiency measures, air source heat pumps and solar panels offering a circa 70% improvement over current 2021 Building Regulation standards.
 - b. Clarification information on the location and capacity of healthcare and education facilities.
7. 2024/0315/FUL was approved by the East Area planning committee at their meeting in May in accordance with the officer recommendation. This included amended conditions, including condition 19 which requires compliance with the Energy and Sustainability Statement as referred above.

Next Steps

8. The Planning Inspectorate has set the council a deadline to submit the Statement of Case by 20th August 2024 for the appeal against 2022/1427/FUL. As such, the council will need to submit a Statement of Case confirming its position with regards to this appeal beforehand.

Recommendation

9. Subject to the inclusion of the conditions and obligations approved by the East Area Planning committee for 2024/0315/FUL which will be confirmed in the Statement of Common Ground, it is recommended that the Council do not seek to defend the appeal against 2022/1427/FUL, appeal reference APP/E3335/W/24/3342993).