

Application Details	
Application reference numbers	2024/1051/OUT
Application types	Outline
Extension of time:	8 th November 2024
Description:	Application for Outline Planning Permission with some matters reserved for up to 24 dwellinghouses with details of access.
Site address	Land At Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset.
Parish	Glastonbury Town Council
Conservation area:	No
Somerset Levels & Moors Ramsar site catchment area	Yes
National landscape	No
Case officer	Ed Winter
Agent	Matt Williams/Brimble Lea
Applicant	T & A Land Associates Ltd
Reason for reporting to East committee	The application proposes major development and is considered a departure from the local plan. The officer recommendation is for approval. However, Glastonbury Town Council recommends the application is refused. Therefore, in accordance with the scheme delegation, the application is to be determined by the Somerset East Planning Committee.

Recommendation

1. That, subject to the recommended conditions and the prior completion of s.106 agreement, planning permission be GRANTED for the reasons set out in the officer report.

Executive summary and key reasons for recommendation

- The site lies outside the settlement limits of Glastonbury
- The council is unable to demonstrate a five-year supply of housing sites in the Somerset East area.
- The significant benefits, particularly in addressing the housing shortfall, are considered to outweigh the harms.
- The National Planning Policy Framework (NPPF) supports granting permission in such cases unless the harms significantly and demonstrably outweigh the benefits.
- The harms are not considered to significantly and demonstrably outweigh the benefits
- Therefore, it is recommended that permission be granted, subject to planning obligations and conditions to mitigate identified impacts.

Planning obligations, conditions, and informative notes

2. Planning obligations, often referred to as Section 106 agreements, are legal agreements between developers and local planning authorities. They are used to mitigate the impacts of new developments. For a planning obligation to be valid, it must meet three key tests:

Necessary to make the development acceptable in planning terms

The obligation should address a specific issue that would otherwise make the development unacceptable.

Directly related to the development

There must be a clear connection between the development and the obligation.

Fairly and reasonably related in scale and kind to the development

The obligation should be proportionate to the impact of the development.

3. These tests are outlined in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and are also reflected in the National Planning Policy Framework.
4. Where an impact could be mitigated by condition instead of a planning obligation, conditions should be used instead.
5. The following are considered to meet the above criteria:

Planning obligations (further details at Appendix 1)

5.1. A planning obligation will secure:

- 30% affordable housing (7 units if 24 are delivered)
- Public open space, including ongoing maintenance (on-site local area of play and locally equipped area of play) and other open space.
- Travel plan (measures only).
- Nutrient neutrality and mitigation (upgrade of two septic tanks to PTP).

- A financial contribution of £10,459.00 towards multi use games area.

Triggers

The below triggers are anticipated to be adopted in the s106 agreement.

Affordable housing:

Not to occupy more than 75% of the Open Market Dwellings until all of the Affordable Market Dwellings have been completed, fitted out and transferred to the RP.

POS, including LAP & LEAP

Not to occupy the more than 75% of the Open Market Dwellings until POS has been transferred to a management company.

MUGA

Contribution to be paid prior to 50% occupation of the Open Market Dwellings.

Sceptic Tank Upgrades

1 septic tank should be upgraded prior to occupation, and this will offset the phosphorous load of half the dwellings, and the other septic tank upgrade should be 50% occupation.

Travel plan

Prior to occupation, to have completed the key elements of the travel plan.

Conditions (see recommendation section of this report)

5.2. Conditions will secure

- Timescale for the commencement of the development
- Plans
- Sustainability Strategy Statement (Reserved Matters)
- Finished Floor Levels and Ridge Heights (Reserved Matters)
- Hard and Soft Landscaping (Reserved Matters)
- Landscape and Ecological Management Plan (Reserved Matters)
- Lighting and Bats (Reserved Matters)
- Footpath and Cycleway Connections (Reserved Matters)
- Construction Management Plan (Pre-commencement)
- Construction Ecological Environmental Management Plan (Pre-commencement)
- Surface Water Drainage System (Pre-commencement)
- Roads, Footpaths and Turning Spaces (Pre-occupation)
- Water Efficiency Standard (Bespoke)
- Estate Roads (Bespoke)

Informative notes

5.3. Informative notes drawing attention to the following matters

- Categories of conditions.
- Statement of positive working.
- Biodiversity net gain (statutory deemed condition)

Proposed development, site and context

Proposed development

6. The application seeks outline planning permission for up to 24 dwellings, to be accessed via an existing vehicular entrance off Old Wells Road and the estate road serving properties on Uppingstock Road and Cullen Farm Road, which has been developed by Elan Homes.
7. Details such as layout, scale, appearance, and landscaping are reserved for future approval. An illustrative site plan accompanies the application to demonstrate how the development of up to 24 dwellings could be accommodated.

Site and context

8. The site, measuring 1.07 hectares, is located on the north-eastern periphery of Glastonbury, east of Old Wells Road and the Elan Homes development. To the north, south and east of the site there is farmland and buildings of Pear Tree Farm. However, an area of land currently farmland is to be changed to public open space as part of the Elan Homes scheme and there is an obligation Elan Homes to deliver as part of a Section 106 agreement. Residential properties along Old Wells Road lie to the west, as do the recently completed dwellings on Cullen Farm Road, whose rear gardens back onto the application site. West Mendip Hospital lies further north, beyond Brindham Lane. The site is gently sloping, with the higher ground located to the south. Hedgerows line the southern, eastern and northern boundaries of the site.

Constraints

- Public right of way WS 15/31 (subject to a diversion order that is not yet implemented).
- Site is functionally linked to the Somerset Levels and Moors Ramsar site

Relevant planning history

- No relevant planning history.

Environmental Impact Assessment

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

Habitats Regulations Assessment

10. Reference to Ramsar site/SACSPA etc

Consultation and representations

Statutory consultees

11. Statutory consultees are those which must be consulted by the local planning authority for certain planning applications.

12. It should be noted not all statutory consultees are consulted on all planning applications. The circumstances for statutory consultation are set out in the Development Management Procedure Order.
13. A summary of the latest/final comments is made set out below however the Council's website should be viewed to see the full representation and or previous representations which have been superseded.

Statutory consultee	Comments	Officer response
Glastonbury Town Council	<p>Objection</p> <p>The development may cause traffic problems such as traffic generation, access or safety problems and will increase the traffic on Old Wells Road, which is a narrow road, where buses are already refusing to run a service down that road.</p> <p>Local infrastructure is not adequate to service the proposed development.</p> <p>The layout and density of the proposed development is inappropriate.</p> <p>The proposal is an inappropriate development within a green belt.</p>	<p>Refer to comments from the Highway Authority.</p> <p>Relevant consultees have been consulted regarding infrastructure (e.g. education, NHS, affordable housing) and contributions secured accordingly.</p> <p>24 dwellings on a site of 1.07 hectares is not considered inappropriate. The layout makes an efficient use of the site.</p> <p>The site is not within the green belt.</p>
Environment Agency	No comments received.	
Highway Authority	No objection subject to conditions - footway and carriageway between the dwelling and existing highway, details of highways design, surface water, construction management plan.	Recommended conditions included.
Internal Drainage Board	No objection subject to condition - Sustainable surface water drainage scheme.	Recommended conditions included.

Statutory consultee	Comments	Officer response
Lead Local Flood Authority	No objection subject to conditions - Sustainable surface water drainage scheme, including details of its ongoing maintenance.	Recommended conditions included.
Natural England	No objection subject to - The upgrading of the two existing septic tanks to the Haba Bio Easy Flow PTP should be completed prior to the occupation of any dwellings relying on the scheme to deliver phosphorus neutrality. Please note that any proposed change to the model of the PTP used will affect the phosphorus calculations and so would need to be agreed. That a suitable maintenance schedule for the new PTP is in place. That any future replacement of the new PTP is subject to a requirement to achieve the same effluent phosphorus concentration or better. That the proposed new development is required to limit water use to 110 l per person per day. Biodiversity enhancement, CEMP and LEMP also required.	Secured through planning obligation.
Utilities Providers	Wessex Water: No response received.	

Non-statutory consultees: internal

Non-statutory consultees are those who the local planning authority has chosen to consult but there is no legal duty to do so.

Internal consultee	Comments	Officer response
Affordable Housing	No objection, subject to s106.	Secured through planning obligation.

Internal consultee	Comments	Officer response
Conservation	No objection	
Contamination	No objection.	
Ecology	No objection, subject to conditions - Construction Environmental Management Plan, Landscape and Ecological Management Plan, Lighting Design for Bats and Biodiversity Enhancement Plan	Recommended conditions included.
Education Authority	No need for more places and therefore no need for funding.	Noted
Environmental Protection	No objection subject to condition - Construction Environmental Management Plan.	Recommended conditions included.
Landscape	No objection subject to conditions – covered by Landscape and Ecological Management Plan.	Recommended conditions included.
Planning Policy	Comments given neither supporting nor objecting.	Noted.
Public Rights of Way	A diversion order for footpath WS 15/31 has been made and confirmed but the diverted route is yet to be certified. Until such time as the diversion has been certified, the legal line of footpath WS 15/31 still runs along the Definitive Line.	Noted.
Trees & Woodlands	No objection. Requirement for Construction Environmental Management Plan is supported.	Recommended conditions included.
Waste Management	No objections in principle to this development, provided the proposed road is to be adopted.	Noted.

Non-statutory consultees: external

Non-statutory consultees are those who the local planning authority has chosen to consult but there is no legal duty to do so.

External consultee	Comments	Officer response
Designing Out Crime	No objection. Comments on detailed design provided (to be considered at reserved matters stage).	Noted.
NHS	No objection, no contributions sought.	Noted.
South West Heritage Trust	No objection.	
Somerset Wildlife Trust	We have noted the above-mentioned Planning Application as well as the supporting Ecological Impact Assessment provided by Clarkson and Woods. We would fully support the findings of that Assessment. We would also support the recommendations for Mitigation and Enhancement as outlined in Section 3, all of which must be included in the Planning Conditions if it is decided to grant Planning Permission.	Recommended conditions included.

Local Consultation and Representation

14. In accordance with the Council's Adopted Statement of Community Involvement this application was publicised by letters of notification to neighbouring properties. A site notice was displayed and a press advert placed as part of the initial consultation.

15. Issues raised by members of the public are summarised below.

Summary of issue	Officer response
Non-compliance with Local Plan <ul style="list-style-type: none">The proposed development is outside the designated development limits of Glastonbury as defined in the Local Plan.The application fails to provide compelling reasons to disregard	Discussed in planning balance section.

Summary of issue	Officer response
the Local Development Plan policies.	
<p>Lack of Substantiated Benefits</p> <ul style="list-style-type: none"> • Insufficient evidence of social, economic, or environmental benefits. • Reliance on hypothetical suggestions without hard data. 	Discussed in planning balance section.
<p>Encroachment into Greenfield Land</p> <ul style="list-style-type: none"> • Further encroachment into open countryside without justification. • Previous housing need exceptions do not apply to this proposal. 	Discussed in planning balance section.
<p>Environmental Concerns</p> <ul style="list-style-type: none"> • Potential increase in phosphate levels and destruction of wildlife habitats. • Preference for using brownfield sites over greenfield land. • Increased risk of flooding due to replacement of absorbent ground with hard surfaces. • Doubts about the effectiveness of the proposed surface water retention pond. 	<p>Refer to comments from ecology, LLFA and IDB.</p> <p>Brownfield sites are the preferred type of land for development, but this does not preclude greenfield sites from being developed. Given the lack of housing supply, this makes planning permission on unallocated greenfield sites more likely.</p>
<p>Foul Sewage Pumping Station Concerns</p> <ul style="list-style-type: none"> • Issues with septicity and public nuisance emissions. • Problematic location of the pumping station between residential dwellings and a surface water retention pond. 	No issue raised by Wessex Water.
<p>Traffic and Accessibility Issues</p> <ul style="list-style-type: none"> • Increased traffic on Old Wells Road, which is single-track and lacks pedestrian facilities. • Inaccessibility of shops and facilities for those with mobility issues, leading to more car use, contrary to climate objectives. 	Refer to Highway Authority comments.

Summary of issue	Officer response
<ul style="list-style-type: none"> • Substandard estate road design likely to increase carbon emissions. • Access and junction design may not handle increased traffic. <p>Outdated data in the transport statement and dangers of single-lane carriageways without footpaths.</p>	
<p>Lack of Facilities for Young People</p> <ul style="list-style-type: none"> • No nearby facilities for young people, making the area unsuitable for families. 	<p>The development would provide a local area of play and a locally equipped area of play. Further public open space is secured via planning obligation adjacent to the Elan Homes site but has not yet been delivered.</p>
<p>Construction Impact</p> <ul style="list-style-type: none"> • Noise, dust, and pollution from construction activities. • Damage to roads and infrastructure from construction vehicles. <p>Loss of Privacy and Visual Impact</p> <ul style="list-style-type: none"> • Loss of privacy and views for existing residents. • Overdevelopment leading to a cramped environment. 	<p>It is recognised that construction will be disruptive, but this is necessary to build homes. A construction management plan condition will require the construction to be managed.</p> <p>See section on design & amenity – back-to-back distances are sufficient.</p> <p>See previous comments on density.</p>
<p>Additional Concerns</p> <ul style="list-style-type: none"> • The development would negatively impact the landscape around Glastonbury Tor, a major tourist attraction. • Existing flooding problems and concerns about additional runoff from new development. • Sewage system already under pressure. • Potential for increased noise and pollution from additional traffic. • Loss of quality of life for residents due to increased traffic and construction activities. 	<p>See comments from landscape consultant and conservation officer, LLFA, IDB, Highway Authority, and previous comments on lack of objection from Wessex Water.</p>

Relevant planning policies and guidance

16. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in dealing with an application for planning permission the authority shall have regard, so far as is material to the application, to the provisions of the development plan and any local finance considerations, and to any other material considerations.
17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
20. The Development Plan comprises the Mendip Local Plan Part 1 (2014) and Part 2 (2021), LPP1 and LPP2; Somerset Minerals Local Plan (2015); Somerset Waste Core Strategy (2013); and the Neighbourhood Plan for Frome 2008-2028 (2016).
21. Following the adoption of LPP2 in December 2021 the Plan was the subject of a successful legal challenge in respect of the allocation of certain sites. The remainder of LPP2 is not affected. The High Court ordered the deletion of five site allocations and required that the Council review and reconsider allocations to meet the district wide requirement for 505 dwellings in accordance with Core Policies 1 and 2 of LPP1 and in light of the review to prepare and publish modifications to LPP2 which allocate sites and submit these for examination. The Mendip Local Plan Part II Limited Update was submitted to the Secretary of State on 30th September 2024.
22. LPP2 Policy LP1 (Future Development Plan Review) commits the Council to an immediate review of the Local Plan Part 1 and Part 2. Somerset's Local Development Scheme (October 2023) sets out a programme for the new Local Plan with the draft document to be submitted for Examination in March 2027 and adoption in March 2028 i.e. beyond the timeframes set out in Policy LP1.
23. The following policies of the Local Plan are relevant to the determination of this application.

The development plan

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) "LP1"
- Mendip District Local Plan Part II: Sites & Policies (2021) (post JR version) "LP2"
- Somerset Minerals Plan 2030
- Somerset Waste Core Strategy 2028

Relevant policies

LP1: Core policies

- CP1: Mendip Spatial Strategy
- CP2: Supporting the Provision of Housing
- CP4: Sustaining Rural Communities
- CP7: Glastonbury Town Strategy

LP1: Development policies

- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP4: Mendip's Landscapes
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity of New Development
- DP8: Environmental Protection
- DP9: Highways Impact of New Development
- DP10: Parking Standards
- DP11: Affordable Housing
- DP14: Housing Mix and Type
- DP16: Open Space and Green Infrastructure
- DP19: Development Contributions
- DP23: Managing Flood Risk

LP2 – no relevant policies

Material considerations (without limitation)

Supplementary planning documents

- Mendip Greenspace SPD
- Mendip Design and Amenity of New Development SPD

Conservation area appraisals

- Glastonbury Conservation Area Appraisal

Other relevant local documents

- Mendip District Council Assessment of Special Landscape Features November 2012
- Net Zero Carbon Toolkit July 2021
- Landscape Character Assessment 2020

National policy and guidance

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Design Guide
- National Policy Statements
- Written Ministerial Statements

Assessment of the application against the development plan

24. To properly perform the S38(6) duty, the LPA has to establish whether or not the proposed development accords with the development plan as a whole. This needs to be done even if development plan policies "pull in different directions", i.e. some may support a proposal, others may not. The LPA is required to assess the proposal against the potentially competing policies and then decide whether in the light of the whole plan, the proposal does or does not accord with it. In these circumstances, the Officer Report should determine the relative importance of the policy, and the extent to which the application complies with the relevant policies.
25. Furthermore, the relevance of and weight given to material considerations is vitally
26. The general requirement of paragraph 11 of the NPPF is that all planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan unless material considerations indicate otherwise. In this instance, the proposal is considered to comply with the requirements of the development plan.
27. This report assesses policy compliance, reasons for non-accordance, the material planning considerations and the representations before reaching a conclusion.
28. The presumption in favour of sustainable development applies as the former Mendip (East Somerset) area cannot demonstrate a 5YHLS and as such the balance is tilted in favour of the granting of permission (i.e. permission should be granted unless the harms significantly and demonstrably outweigh the benefits).

Community Infrastructure Levy

29. No CIL charging regime has been adopted in the East area of Somerset.

Principle of development: core policies

30. The spatial strategy espoused by LP1 CP1 directs the majority of development to the five principal settlements of Frome, Glastonbury, Shepton, Street and Wells. In identifying land for development, the plan's approach is to maximise the reuse of appropriate previously developed land and other land within settlement limits, and then at the most sustainable locations on the edge of settlement limits. Any proposed development outside the development limits, will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities. This approach is reflected in the core policy of Glastonbury: CP7, which confirms housing need is to be met through committed development sites and allocations in LP2. Six sites were allocated in LP2 for Glastonbury, and the application site is not one of these.
31. Given that the application site lies outside the settlement limits of Glastonbury, it is contrary to CP1 and also to CP4, which provides exceptions to CP1, and no such exception applies to the current application.
32. However, it is also relevant to the consideration of this application that the site is located on the edge of a principal settlement, rather than, for example, a village, and therefore the conflict with CP1 is limited to conflict with the settlement limits rather than all aspects of the spatial strategy, albeit the settlement limits are a key component of the spatial strategy.

33. In summary, the application is contrary to both CP1 and CP4.

Local identity & distinctiveness: DP1

34. Policy DP1 requires that all development proposals contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. Proposals should be formulated with an appreciation of the built and natural context of their locality recognising that distinctive street scenes, townscapes, views, scenery, boundary walls or hedges, trees, rights of way and other features collectively generate a distinct sense of place and local identity.
35. The features referred to above are discussed in the sections on heritage and landscape and some matters, such as those of more detailed design, would be considered at reserved matters stage.
36. On the basis that the proposed development is considered to accord with DP3 and DP4, and that other matters would be dealt with subsequently, it is considered to accord with DP1 (as set out below), at this outline stage.

Heritage assets: DP3

37. Policy DP3 states that proposals which preserve and, where appropriate, enhance the significance heritage assets will be supported. Proposals affecting heritage assets will be required to describe the significance of affected assets, in a proportionate manner. Harm to assets must be justified with regard to public benefits of the proposals.
38. A historic environment assessment (HEA) has been submitted with the application. This correctly states that there are no designated heritage assets within the site area and that there are 6 buildings listed at grade II within 1km of the site and the northern part of Character Area 7 of the Glastonbury Conservation Area is approximately 700m from the site at closest.
39. There are no registered parks, scheduled monuments, registered battlefields, or world heritage sites within 1km of the application area and it does not lie within an area of high archaeological potential. The site lies adjacent to the Glastonbury Tor special landscape feature as identified in the Mendip District Council Assessment of Special Landscape Features November 2012.
40. While the schedule monument (and grade I listed building) St Michael's Church, monastic remains and other settlement remains on Glastonbury Tor is outside the 1km radius of the site, the top of the church is visible from the northern end of the application site.
41. The HEA acknowledges this and states that, *"It is not considered that this fleeting and restricted view of the asset is one from which its significance can be appreciated or understood and therefore does not lie within the setting of this heritage asset. The proposed development could have no effect on the setting of this asset nor any of the archaeological, historic, architectural, communal or spiritual elements from which Glastonbury Tor derives significance."*
42. The HEA concludes that *"there are no designated heritage assets within the application area and seven within the broader study area, including the northern extent of Character Area 7 of the Glastonbury Conservation Area. Development within the*

application area could have no adverse effect on the setting, nor harm the significance, of these assets.”

43. The conservation officer agrees with the conclusions drawn in the HEA that the proposed development would not adversely affect the significance of any heritage assets identified within the study area.
44. The conservation officer has also considered the effect of the proposed development on the Glastonbury Tor SLF, concluding that there would be some harm to the identified qualities of the SLF.
45. While SLFs are principally a landscape designation, the NPPF defines the historic environment in broad terms and therefore the SLF can be considered within the scope of the historic environment: *“All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.”*
46. The effect on the SLF has also been considered in the HEA, and this concludes the application site does not contribute to the heritage value of the SLF.
47. There is therefore a difference of opinion between the conservation officer and the HEA submitted with the application. However, the conservation officer does not object to the application. It is therefore considered that the heritage harm is low. This harm needs to be weighed against the public benefits. As set out below in the planning balance, the public benefits of the scheme are considered to be significant and therefore the heritage harm is outweighed by the public benefits.
48. The proposed development is therefore considered to accord with DP3. The special regard/attention required under ss66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged.

Landscape: DP4

49. Policy DP4 states that “Proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. Any decision-making will take into account efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.”
50. The approach to assessing landscape impact of proposals differs depending on whether the proposed development is located within a National Landscapes (former areas of outstanding natural beauty), or NL setting, Special Landscape Features or their setting or other areas.
51. DP4 states:

“Proposals in areas adjacent to the AONB will, depending upon their prominence in the wider landscape, be expected to demonstrate that their location and form do not compromise the setting of the designated area.”
52. With regard to special landscape features, DP4 states:

“Proposals for development which lie within or which would affect the setting of Special Landscape Features (as defined on the Policies Map) will be determined with regard to their impacts upon their specific qualities as described in the 2012 “Assessment of Special Landscape Features.””

53. Outside of NLs and SLFs or their settings, DP4 states:

“Outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the pattern of natural and man-made features of the Landscape Character Areas, including cultural and historical associations, as detailed in the “Landscape Assessment of Mendip District.”

54. The site is not located within a National Landscape or setting. However, the site does lie adjacent to the Glastonbury Tor Special Landscape Feature (SLF) and is considered to lie within its setting.

55. A landscape and visual impact assessment has been submitted with the application. The LVIA concludes that the site is not a *valued landscape*, within the meaning of NPPF paragraph 174. It also states that:

“The proposed development will introduce built elements that will have the potential to directly and indirectly affect landscape relevant designations, landscape character and visual amenity receptors and their views. Through sensitive design and siting advice at the earliest stage of the assessment process as well as the retention of boundary vegetation and additional landscape mitigation measures, any potential effects will be kept to a minimum.”

56. The LVIA goes on to acknowledge that:

“Although the proposed development will be perceived particularly in close proximity largely from the network of nearby public rights of way and immediately adjacent housing, the influence of the proposed development on the wider landscape character and views will be restricted not only by the existing and proposed vegetation immediately surrounding the proposed development, but also subtle variations in landform, development and mature vegetation in the wider landscape.”

57. The application has also been reviewed by a landscape consultant instructed by Somerset Council, who has been involved since pre-application stage. It is of note that the development considered at pre-application stage was for up to 34 dwellings and included an additional field to the south of the current site. The landscape consultant does not object to the scheme overall and states:

“I agree with the overall conclusion of the LVIA in that the scheme will introduce new built elements, but this part of Glastonbury is already heavily influenced by similar recent development specifically adjacent to this site. I don’t believe there would be any effect on the Tor itself or indeed from any location where the site might be visible. The reduction in footprint was a very important amendment.”

58. The absence of any objection from the landscape consult is linked to the existing hedgerows to the northern, eastern, and southern boundaries being retained, which he regards as of “paramount importance.”
59. He also considered the impact of the development could be further softened in longer views, through the planting of around five trees along the eastern boundary.
60. The landscape consultant’s recommendations for hedgerow retention and tree planting are considered necessary to make the development acceptable in landscape terms. This could be secured through conditions for landscaping and ongoing maintenance as part of any reserved matters application.
61. Given that the site is sloping, it is also considered necessary to require details of finished floor and ridge heights at reserved matters stage. Without such measures, a significant degradation to the landscape could arise, which would be contrary to DP4. These could be secured through conditions requiring the submission of a landscape plan, including provision for its ongoing management and this would also be considered reasonable for the development proposed.
62. Subject to the above conditions, it is considered that the proposed development would comply with DP4.

Ecology: DP5 & DP6

Phosphates

63. The site lies in an area that is sewered to the Glastonbury Wastewater Treatment Works which then discharges into the River Brue catchment area. There is a link between the Brue and the Somerset Levels and Moors Ramsar site, in that protected species within the Ramsar site are affected by water quality. A nutrient neutrality and mitigation strategy (NNAMS) has been submitted with the application.
64. As the competent authority, the Local Planning Authority is required by Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017, to undertake an Appropriate Assessment of the implications of the development in view of the Ramsar site’s conservation objectives. The LPA may only agree to the proposal after having ascertained that it will not adversely affect the integrity of the Ramsar site.
65. A phosphate mitigation strategy has been submitted by the applicant which proposes to upgrade septic tanks within the catchment to package treatment plans (PTPs) with specific phosphorus removal and higher nutrient capture. The Habo Bio Easy Flow PTP has been proposed. This is a purely biological system and does not require chemical dosing, which some other systems do.
66. The NNAMS states that based on an assumed occupancy of 2.4 people per dwelling, multiplied by 24 dwellings, and water usage of 110 litres per person, the resultant discharge for the proposed development will be 1.66 kg TP/yr.
67. The LPA has consulted with Natural England and Somerset Ecology Services on the proposed mitigation strategy and their comments are summarised above. The LPA must have regard to these consultation responses in carrying out the Appropriate Assessment (Regulation 63(3)). In summary, Natural England has reviewed the applicant’s mitigation proposals and is satisfied with the approach and conclusions.

SES has subsequently concluded through the Habitat Regulations Assessment that the Appropriate Assessment is passed.

68. Subject to securing the implementation and maintenance of the mitigation strategy through a S106 Agreement, it is considered that the proposed development will not adversely affect the integrity of the Ramsar Site (Regulation 63(5)).

Biodiversity net gain

69. The requirement to deliver at least a 10% net gain in biodiversity applies to this application because it is major development and was submitted after 12th February 2024.

70. At this stage of the planning process, it is necessary for the application to demonstrate that at least 10% net gain can be achieved.

71. The application is supported by a BNG statement (“Biodiversity Net Gain Advice Note”), which includes a completed biodiversity gain metric. Together these assess the pre-development conditions of biodiversity on site and how 10% net gain could be achieved, as detailed in the paragraph below.

72. A biodiversity net gain assessment conducted by SoEcology concluded that a 10.83% net gain for habitat units and a 17.30% net gain for hedgerow units is achievable, in compliance with the Environment Act 2021. This will be accomplished through the enhancement of modified grassland to other neutral grassland, the creation of a sustainable drainage system, the establishment of vegetated gardens, tree planting, and the enhancement of native hedgerows to species-rich hedgerows with trees.

73. The national biodiversity gain deemed condition applies to any relevant planning permission and requires the submission and approval of the Biodiversity Gain Plan before commencement of development. Therefore, the BNG does not require the addition of any specific condition or planning obligation, as this is deemed to have been applied should permission be granted.

74. This is also considered to cover the biodiversity enhancement requirements requested by Somerset Ecology Services, because it would be considered unreasonable to require both and the national requirement is mandatory.

Ecological networks and species

75. An ecological impact assessment has been submitted with the application and this has been reviewed by Somerset Ecology Services. SES do not object to the approach to ecological networks and species as long as hedgerows are retained, habitats are enhanced, a 5m buffer zone along boundaries is maintained for bats as well and precautionary measures towards dormice and regarding great crested, newts, the applicant’s approach of registering with the Natural England District Level Licensing (DLL) Scheme for Somerset and provide compensatory habitat is considered acceptable to Somerset Ecology Services. The above measures would be secured through a landscape and ecological management plan (LEMP), and lighting scheme for bats and a biodiversity enhancement plan, all of which would be secured through condition for delivery as part of the reserved matters application.

76. Based on the above, the proposed development is considered to accord with DP5 & DP6.

Design and amenity of new development: DP7

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

- Scale, mass, form, and layout.
- Protecting the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants
- Energy efficiency, sustainable construction techniques.
- Sustainable drainage.
- Renewable energy generation on site.
- Water efficiency measures.
- Waste reduction, recycling, and reuse.
- Local or recycled materials.
- Accessible.
- Crime prevention.
- Construction management.

78. As the current application is in outline only, most of the matters above would be considered through the reserved matters stage. The accessibility of the location and construction management are considered in the sections on DP8 and DP9.

79. In terms of amenity, the indicative layout shows that the distance between the rear elevations of existing dwellings 21-26 Cullen Farm Road and proposed dwellings would be approximately 23m. While the rear elevations face each, 23m separation distance is generally considered sufficient to ensure not undue overlooking. Somerset Council does not have specific guidance on this, but other local authorities have. For example, 21m separation distances are recommended on supplementary planning documents adopted by North Somerset Council, Lichfield District Council, Stratford-on-Avon District Council and East Staffordshire Borough Council and Worcester City Council has an SPD recommending 22m separation distance.

80. 23m back-to-back separation distance is therefore considered acceptable.

81. The local planning authority would expect details of the measures identified above to be incorporated into the detailed design and set out in a sustainability strategy statement, to be submitted alongside the reserved matters application. This is considered reasonable and necessary to make the current application and should therefore be secured through a condition. On this basis, the proposed development is considered to comply with DP7.

Environmental protection: DP8

82. DP8 requires development (cumulatively or individually) to demonstrate that it will not give rise to unacceptable adverse environmental impacts on the below.

- Ambient noise levels
- Air quality.
- The quality of water resources, whether surface river or groundwater.
- Biodiversity.
- Light pollution.

- Land quality and ground stability.
- Residential amenity.
- Public health and safety.

DP8 has requires particular attention to be given to light, noise, contamination, and sewage treatments works.

“Development proposals, particularly those in a rural setting and especially those in designated Areas of Outstanding Natural Beauty (AONBs), should make all reasonable efforts to minimise noise and light pollution impacts.”

“Development proposals which are on or adjacent to land which may have been subject to contamination or impact from existing sources of noise will need to demonstrate that measures can be taken effectively to mitigate the impacts on public health, environmental quality, the built environment, and amenity. Proposals will only be permitted where the impact and risks are, or can be mitigated appropriately for the proposed use. Appropriate mitigation and remediation will be secured through planning conditions on the development.”

83. Biodiversity is dealt with in the section on ecology.

84. There is no wastewater treatment works within the vicinity of the site. Wessex Water has not provided any comments on this application. No other potential sources of negative impact on air quality (through odour) have been identified. It is therefore considered that no undue impacts would arise due to air quality.

85. The council’s contaminated land officer does not object to the proposals and therefore it is unlikely that there would be any significant contamination on site or nearby.

86. The council’s environmental protection team raise no objection to the application, subject to a condition requiring a construction environmental management plan. Therefore, no undue effects in terms of ambient noise levels, light or public health and safety would be expected to arise as a result of the proposed development (NB this excludes lighting effects on ecology as discussed in the ecology section).

87. In addition to the above, residential amenity also covers overbearing and overlooking impacts but this has been dealt with in the section of design above.

88. The proposed development is therefore considered to comply with policy DP8.

Transport impact and accessibility: DP9

89. DP9 requires, where appropriate, development proposals to:

- Demonstrate how they will improve or maximise the use of sustainable forms of transport.
- Be supported by travel plans and transport assessments as appropriate.
- Provide safe and satisfactory access.
- Avoid traffic and other negative environmental effects on the transport network. Avoid the need for transport improvements that would harm the character of a locality.

90. A transport statement and a travel plan (measures only) have been submitted with the application. Full comments have been received from Somerset Council Highways (no objection subject to conditions).
91. The transport statement considers the site, existing highway conditions and its accessibility by sustainable modes of transport, before considering the proposals and predicted traffic generation.
92. The purpose of the travel plan is to put measures in place to encourage future residents to encourage the use of sustainable forms of transport and an overall reduction in in travel to and from the site.

Walking

93. Below is a selection of destinations that might be accessed regularly by future residents:

- St Dunstan's secondary – 1.9km/1.2 miles (26 minutes)
- St John's infants – 2.6km/1.6 miles (35 minutes)
- Tesco superstore, Wirral Park – 3.7 km/2.3 miles (50 minutes)
- Morrisons, Street Road – 3.0km/1.9 miles (41 minutes)
- Town centre – 2.6km/1.6 miles (35 minutes)

94. In a recent appeal at New House Farm, Wells, schools 22 and 26 minutes from that site were considered accessible on foot by the inspector. Wells city centre was 1.1 miles/1.8km from that site, which he also considered to be accessible on foot.

95. With the current application, St Dunstan's is considered accessible on foot. However, St John's, an infant school is considered outside the range that would be considered accessible on foot, particularly as the pupils here would be younger.

96. The wider range of facilities such and supermarkets and town centre facilities are considered to be too far to walk by the majority of future residents on a regular basis.

97. Overall, walking is unlikely to be an attractive option for daily needs by most future residents.

Cycling

98. For cycling, the situation is significantly better than it is for walking. Using the same selection of destinations, the travel times would be as follows:

- St Dunstan's secondary – 1.9km/1.2 miles (7 minutes)
- St John's infants – 2.6km/1.6 miles (9 minutes)
- Tesco superstore, Wirral Park – 3.7 km/2.3 miles (14 minutes)
- Morrisons, Street Road – 3.0km/1.9 miles (11 minutes)
- Town centre – 2.6km/1.6 miles (9 minutes)

99. In distance terms, cycling is considered to be an attractive option for daily needs by most future residents. The majority of the route would take cyclists along Wells Road, which is a typical two-way road widely used by cyclists in many towns and cities. Alternatively, National Cycle Network route 3 could be taken, along the A39, which is slightly longer, but does offer a segregated (shared) path.

100. Routes from within the site to the existing network would also be needed. Such details would be dealt with at reserved matters, but in order to ensure internal cycle connections are included, a condition requiring such details as part of the reserved matters application is considered necessary and reasonable.

101. Overall, the accessibility of the site by cycle to a range of services is considered to be good.

Bus

102. The transport statement states that there are “ample bus services operating in the area with the stops being located within a comfortable walking distance of the site (i.e., within 800m) using safe and convenient footways and crossing points.” Officers see evidence that this is not a fair assessment of local bus services.

103. All of the destinations listed above would be accessible in 20 minutes or less.

104. Overall, the accessibility of the site by bus to a range of services is considered to be good.

Travel plan

105. The submitted Measure Only Travel Plan has been considered by Somerset Council Highways and is acceptable, it will need to be secured through an appropriate Section 106 legal agreement.

Conclusion on accessibility

106. Overall, while walking is unlikely to be an attractive option for most daily trips, the site provides good accessibility by cycle or bus and is therefore considered to have reasonably good accessibility overall. Subject to the travel plan being secured through a s106, the proposed development is considered to comply with this part of DP9.

Safe and satisfactory access

107. This application is for outline permission, with all matters reserved, except for access, so the access is part of this application.

108. Somerset Council Highways have no objection to the application. The highway authority agrees with the assessment in the transport statement that the visibility splays where Uppingstock Road meets Old Wells Road have previously been considered appropriate for the existing development off of Cullen Farm Road and Uppingstock Road, the Highway Authority have no reason to alter their opinion on this for the level of dwellings that form this application.

109. The highway authority has provided further comments on detailed matters for consideration at the reserved matters stage.

Waste management

110. No objections in principle to this development, provided the proposed road is to be adopted.

Conclusion on access

111. Based on the comments from Somerset Council Highways, the access is to be safe and satisfactory and therefore in accordance with that part of DP9.

Impact on wider transport network

112. The submitted transport statement has been considered and the Highway Authority does not disagree with the findings and points therein.
113. The Highway Authority have no concerns over the level of vehicle movements that would be generated by the proposed development.
114. The impact on the wider transport network is therefore considered to be acceptable and the application is therefore considered to accord with this part of DP9.

Overall conclusion on DP9

115. The application complies with DP9 overall.

Parking standards: DP10

116. Details of layout, including parking would be considered at reserved matters stage rather than outline. However, the indicative site layout shows appropriate levels of car parking can be provided within the site for the level of development proposed.

Affordable housing: DP11

117. Based on the scheme details of up to 24 homes, in line with Policy DP11 of the Mendip Local Plan Part One, 30% affordable housing provision is required on sites of 10 units or more. This equates to a requirement to provide 7 affordable homes. This would be secured through a s106 agreement subsequent to a resolution to grant, should one be forthcoming. A s106 agreement would be needed because a condition would not be appropriate or sufficient to enforce the affordable housing requirement. A policy-compliant level of affordable housing is considered reasonable and necessary. No evidence has been submitted to justify a lower level of provision.
118. Subject to securing affordable housing contributions through a planning obligation, the proposed development would accord with DP11.

Housing mix & type: DP14

119. DP14 specifies requirements for housing mix and type. This matter would be dealt with at reserved matters.

Open space & green infrastructure: DP16

120. Policy DP16 Open Space and Green Infrastructure, as supplemented by the Mendip Greenspace Supplementary Planning Document requires all new development to make a contribution to new open space. The SPD states that new open space is to be provided on-site unless exceptional circumstances apply. The SPD also specifies the amount of open space required. This is 2.4ha of new space per additional 1,000 people.
121. Based on average occupancy of 2.1 people per dwelling, the proposed development would bring 50 new residents (rounded), generating a requirement for 1,200 square metres of new public open space. According to the supporting text to DP16, open space can incorporate many different types of areas, ranging from formal recreation spaces like sports pitches and play areas; civic spaces like parks and ornamental gardens; functional areas like allotments, cemeteries and churchyards; linear routes such as footpaths, cycle paths, and river corridors; as well as incidental

spaces like railway embankments, verges and landscaped areas within developments. Open space is normally considered to be public space.

122. The illustrative layout shows 1,645sqm of open space, which is over a third more than is required by DP16. This would include a locally equipped area of play (400 square metres) and a local area of play (100 square metres).

123. Financial contributions towards a multi-use games area would also be required.

124. The above application is therefore considered to comply with DP16.

Development contributions: DP19

125. DP19 supports the delivery of local infrastructure to mitigate or compensate for the effects that new development, which would otherwise be unacceptable. This approach is consistent with NPPF paragraph 55, which states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

126. The council's education planning department have been consulted and have commented that no contributions would be required for local schools as there is sufficient capacity.

127. This would therefore apply to affordable housing and public open space.

128. It is therefore considered that that proposed development is acceptable, subject to appropriate contributions (as specified by the relevant consultee) being secured through a legal agreement.

- 30% affordable housing (7 units if 24 are delivered)
- Public open space, including ongoing maintenance (on-site local area of play and locally equipped area of play) and other open space.
- Travel plan (measures only).
- Nutrient neutrality and mitigation (upgrade of two septic tanks to PTP).
- A financial contribution of £10,459.00 towards a multi-use games area to be provided off site.

Managing flood risk: DP23

129. The application site lies within flood zone 1 and it does not lie within 20m of a main river. The lead local flood authority (LLFA) does not object to the application subject to a sustainable surface water drainage scheme, including details of its ongoing maintenance. The Axe Brue Drainage Board is of the same view.

130. In view of the above, the application is considered to accord with DP23.

Conclusion on compliance with the local plan

131. The proposed development is considered to be contrary to local plan policies CP1 and CP4, because the proposed development lies outside the settlement limits of Glastonbury. Given that the settlement limits form a key part of the spatial strategy of

the plan the proposed development is considered contrary to the plan overall, despite complying with the other relevant policies.

132. The proposed development should therefore be refused unless material considerations indicate otherwise.

Material considerations

5-year supply

133. The National Planning Policy Framework is a material consideration in planning applications, and it includes policies on how decision-makers should regard local plan policies, where there is a lack of deliverable housing sites.
134. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites for the Somerset East area. This is based on the council's most recent annual monitoring, which was published in November 2023.
135. This identifies 3.24 years' supply of deliverable housing sites, against the required 5 years.
136. This is a shortfall of 1,201 dwellings.
137. In this scenario, national planning policy states that relevant local plan policies are to be considered 'out-of-date.' For the current application, it means that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Public rights of way

138. An order to divert an existing public footpath (ref: WS15/31) has been confirmed by the Secretary of State on 20 April 2023 under the Planning Inspectorate's reference number: ROW/3276285, but this has not yet been implemented.
139. The proposed development is designed (indicatively) around the rerouted network, with the new public footpath running along the inside (west) of hedge to the eastern side of the site.

Weight of relevant policies

140. As stated, the relevant policies of the local plan are 'out-of-date,' due to the lack of housing supply. This does not mean that the relevant policies are irrelevant to the decision-making process, but it does mean that the weight given to policies should be reduced, where those policies restrict housing land supply.
141. From the assessment of the application against the relevant plan policies above, it can be seen that the application is considered contrary to CP1 (and CP4). These policies restrict housing land supply and should be given reduced weight, due to the housing land supply shortage. In this case, the conflict is considered limited.
142. The application accords with all other parts of the local plan and therefore no further reductions in weight need to be considered.

Planning balance

Benefits

143. Given the very significant shortfall in supply, which represents a position that has worsened significantly since the previous monitoring year, the delivery of up to 24 homes including 7 affordable dwellings is considered a significant benefit.
144. There would also be other benefits, such as the creation of construction jobs, on-site public open space, the potential for additional spending in the local economy. Together these benefits are considered to be moderate.
145. There would be a biodiversity net gain of 10.83% net gain for habitat units and a 17.30% net gain for hedgerow units, which is considered a moderate benefit. This would be secured through a deemed condition.
146. Overall, benefits are considered to be significant.

Harms

147. Given the very significant shortfall in housing supply, the conflict with CP1, through development outside the settlement limits, is given limited weight. This is therefore considered to result in limited harm.
148. A low level of heritage harm has been identified, which is considered outweighed by the public benefits. The application is therefore considered to accord with DP3, but the low level of heritage harm still needs to be considered here. This is considered a limited harm.
149. While the proposed development is not considered to result in a significant degradation to the landscape, and would accord with DP4, there would nevertheless be some harm to the landscape. This comes from the introduction of housing and associated development into an area that is currently a field. However, noting the absence of wider landscape impacts, this is considered to result in only limited harm.
150. There would be some harm to amenity through noise, dust, and inconvenience during the construction period, although a condition for a construction management plan would limit this harm. This harm is considered limited.
151. Overall, harms are considered limited.

Overall conclusion

152. The proposed development is considered to result in limited overall harm, whereas the overall benefits are considered to be significant.
153. While the development is considered contrary to the development plan overall, the NPPF is a material consideration and paragraph 11(d)(ii) states that permission should be granted unless the harms significantly and demonstrably outweigh the benefits.
154. In this case it is considered that the harms do not significantly and demonstrably outweigh the benefits.
155. Therefore, permission should be granted.

Equalities Act

156. 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.

RECOMMENDATIONS

157. Approve application subject to the prior signing of a s106 agreement, and subject to the stated planning conditions for the reasons below.

Section 106 Agreement (s106) Heads of Terms

A planning obligation will secure:

- 30% affordable housing (7 units if 24 are delivered)
- Public open space, including ongoing maintenance (on-site local area of play and locally equipped area of play) and other open space.
- Travel plan (measures only).
- Nutrient neutrality and mitigation (upgrade of two septic tanks to PTP).
- A financial contribution of £10,459.00 towards a multi-use games area to be provided off site.

Planning conditions

1. Outline Time Limit (Compliance)

The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.

Reason: This is an outline permission, and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Reserved Matters Time Limit (Compliance)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

3. Plans List (Compliance)

This decision relates to the following drawings:

20190 – 6 Rev B (Location plan)

Nutrient Neutrality Assessment & Mitigation Strategy (NNAMS), dated 1st February 2024 reference NNAMS/335

4. Sustainability Strategy Statement (Reserved Matters)

Any application for approval of Reserved Matters in relation to the development hereby approved shall include a Sustainability Strategy Statement ('SSS'). The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through

- i) the siting, layout and design of the dwellings hereby permitted, and
- ii) maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy on site and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater).

The development hereby permitted shall be undertaken in accordance with the approved SSS, which shall thereafter be maintained as such.

To reduce carbon dioxide emissions and in the interests of residential amenity in accordance with Development Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014) and the Mendip District Council Supplementary Planning Document Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 (adopted March 2022).

5. Finished Floor Levels and Ridge Heights (Reserved Matters)

Any application for approval of Reserved Matters in relation to the development hereby approved shall include details of finished floor levels and ridge heights of all dwellings. Thereafter the dwellings shall be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policies DP1 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because the ground levels have the potential to affect the overall impact of the development.

6. Hard and Soft Landscaping (Reserved Matters)

Any application for approval of Reserved Matters in relation to the development hereby approved shall include details of a hard and soft landscape scheme. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting and
- (e) a detailed programme of implementation.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Development Policies 1, 3, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. Landscape and Ecological Management Plan (Reserved Matters)

Any application for approval of Reserved Matters in relation to the development hereby approved shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

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

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy DP5 of the Mendip Local Plan.

8. Lighting and Bats (Reserved Matters)

Any application for approval of Reserved Matters in relation to the development hereby approved shall include a lighting plan for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018). The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design and no other external lighting shall be installed on the site. The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species, and in accordance with Mendip District Council Local Plan Part 1 Policies DP5 and DP6. This is a condition precedent as potential harm to protected species needs to be understood and thereafter prevented from the earliest states of the development.

10. Construction Management Plan (Pre-commencement)

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:

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

- c. Proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur.
- d. A map to identify which route(s) is to be used by construction vehicles to access the site.
- e. The parking of vehicles of site operatives and visitors.
- f. Loading and unloading of plant and materials.
- g. Storage of plant and materials used in constructing the development.
- h. Other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities.
- i. Delivery and construction working hours, which shall not permit:

noise generating activities outside of the following hours:

Mon - Fri 08:00-18:00

Sat 08:00 -13:00

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

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

Reason: To minimise the effect of noise, odour and dust from the development on occupiers of nearby properties in the interests of residential amenity and sustainable development, in accordance with Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and having regard to the NPPF, in particular chapters 8 and 12. This is a condition precedent because the impacts identified above need to be understood at the earliest stage of development.

11. Construction Ecological Environmental Management Plan (Pre-commencement)

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

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including for reptiles, nesting birds, dormice and badgers.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEEMP shall be adhered to throughout the construction period.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Mendip District Council Local Plan Part 1 Policy DP5, and Chapter 15 of the NPPF. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

12. Surface Water Drainage System (Pre-commencement)

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. Thereafter, the surface water drainage scheme shall be permanently retained as approved.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

13. Roads, Footpaths and Turning Spaces (Pre-occupation)

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. Water Efficiency Standard (Bespoke)

The dwellings hereby approved shall be designed and constructed to ensure that the potential consumption of wholesome water by persons occupying a new dwelling does not exceed 110 litres per person per day. Prior to the occupation of any dwelling, the

developer shall provide a written confirmation to the local planning authority that the water efficiency measures have been implemented in accordance with the approved details.

Reason: This condition ensures that the new housing development adheres to the standard for water use, on which the approved Nutrient Neutrality and Mitigation Strategy is based, in the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Part 15 of the National Planning Policy Framework.

15. Estate Roads (Bespoke)

Except for enabling works (construction access, ground clearance, ecology works, archaeology works and the formation surface water drainage) no development shall commence until details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections, the design, layout, levels, gradients, materials and method of construction.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because any initial construction works could have a detrimental effect on highway safety and residential amenity

Informative notes

1. Condition Categories

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

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

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

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

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

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

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

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. Positive, creative and pro-active working

In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

3. Biodiversity Net Gain (Pre-commencement)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Somerset Council.