

10Application 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 the determined by the Somerset East Planning Committee.

1. Background and reason for deferral and recommendation summary

1.1. This application was considered at Somerset East Planning Committee on Tuesday 5th November 2024. It was deferred for the following reason:

1.2. *"That planning application 2024/1051/OUT be DEFERRED contrary to the Officer's recommendation to allow Planning Officers to gather more information from relevant experts on the impact of the proposal on the special landscape feature of St Michaels Church and Glastonbury Tor."*

2. Recommendation: Approval subject to the completion of a Section 106 agreement to include the heads of terms and conditions set out below, and subject to no further additional representations being received that raise new issues following the advertisement of the application as a departure to the development plan.

3. Addressing reason for deferral

3.1. Officers have sought and received second opinions from conservation officer Emma Keller and landscape architect Paul Jolliffe. The salient points of these are summarised below.

4. Review and Comments: Heritage (Summary)

4.1 Reviewer: Emma Keller, Conservation Officer

4.2 Key Points:

- The reviewing conservation officer agrees with the opinion of the original conservation officer and the historic environment assessment submitted by the applicant, that the proposed development would not affect the significance of heritage assets identified in the study area in the historic environment assessment.
- Regarding St Michael's Church monastic remains, and other settlement remains on Glastonbury Tor, the conservation officer states that while the development site cannot be clearly identified whilst looking outwards from Glastonbury Tor, due to the distance, if the development was to be implemented, the open pastureland to the north will begin to diminish with the encroachment of housing estates. Whilst this may not be clearly visible due to the proximity there will be a general change to the character of the area, and also during winter months and at night, light spill will be increased, which will be evident from a distance. However, even with this increase in light spill it is considered that due to the proximity of the town itself, and in the context of light spill, any harm would be negligible on the heritage assets on Glastonbury Tor.
- For the reasons given above there is no objection to the scheme on heritage grounds.

5. Review and Comments: Landscape (Summary)

4.1 Reviewer: Paul Jolliffe, Landscape and Green Infrastructure Specialist

4.2 Key Points:

- **Methodology:** The LVIA followed the Landscape Institute's guidance and included comprehensive graphics, site photographs, and representative viewpoint photographs.
- **Findings:** The assessment's findings are considered correct, assuming the proposed landscape mitigation is effective.

- **Current Landscape Scheme:** The existing scheme does not sufficiently screen the proposed buildings. Adjustments are needed for better integration into the landscape and to reduce adverse visual impacts.

4.3 Supported Measures:

- **Boundary Hedgerows:** Retention and strengthening.
- **Central Area Planting:** Trees within a wide grass strip.
- **Water Retention Pond:** Native species planting.
- **Southern Hedgerow:** Planting along the existing housing.

4.4 Additional Recommendations:

- **Unit 24 Adjustment:** Move the building line north to provide space for large native species trees, especially in the visually sensitive southeastern corner.
- **Additional Tree Planting:** Along southern, eastern, and northern boundaries to enhance screening.
- **Landscape and Ecological Management Plan:** Ensure successful establishment and management of landscape elements.
- **Street Lighting:** Use luminaires which reduce light spill and skyglow.

4.5 Conclusion:

- The proposed development will have some adverse landscape and visual impacts, particularly on the immediate locality.
- With appropriate layout, landscape mitigation, and management, the development is considered acceptable in landscape and visibility terms.

6. Summary of representations received since Planning East Committee of 1st October 2024

- 6.1. Other than the representations received from Emma Keller (Conservation Officer) and Paul Jolliffe (Landscape and Green Infrastructure Specialist), no further representations have been received.

7. Update to assessment against the development plan and any material considerations

- 7.1. Based on comments received from the Council's Landscape and Green Infrastructure Specialist summarised above, Condition 8 is modified to include reference to all street lighting being designed with luminaires which reduce light spill and skyglow in order to limit the extent of additional lighting impacts to that already resulting from the existing effects of the adjacent town. The word 'should' is replaced with the word 'shall' in three instances in the same condition. The modified condition is considered to be relevant to the development, necessary to make it acceptable and reasonable in all other respects. With regard to the recommended adjustment to unit 24, additional tree planting, and landscape and ecological management, plan, proposed condition 6 (Hard and Soft Landscaping

(Reserved Matters)) and proposed condition 7 (Landscape and Ecological Management Plan (Reserved Matters)) would ensure the aforementioned issues are considered at the reserved matters stage, noting that at this outline stage, the layout and landscaping is not fixed and is indicative only.

7.2. No other changes to the assessment of the application against the development plan or any other material considerations have been undertaken since Planning East Committee considered the application on 5th November. Please refer to the officer assessment report as included within the report pack with the updated recommendation as set out below in this update report.

8. Section 106 heads of terms

8.1. 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.

9. Conditions

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 construction 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.

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

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, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018) and all street lighting shall be designed with luminaires which reduce light spill and skyglow in order to limit the extent of additional lighting impacts to that already resulting from the existing effects of the adjacent town. 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 shall accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels shall 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 to reduce light spill and skyglow in order to limit the extent of additional lighting impacts to that already resulting from the existing effects of the adjacent town, in accordance with Mendip District Council Local Plan Part 1 Policies DP5, DP6 and DP8. This is a condition precedent as potential harm to protected species needs to be understood and thereafter prevented from the earliest stages of the development.

9. 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.

10. 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 states of the development.

11. 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.

12. 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).

13. 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.

14. 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.

Appendix A – Report to Planning East Committee 5th November 2024