

Application Details	
Application Reference Numbers:	2021/1226/FUL
Application Types:	Full application
Extension of Time:	
Description:	Conversion of building to 3-bedroom dwelling
Site Address:	Somerset
Parish:	Shepton Mallet
Conservation Area:	Yes
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Lorna Elstob
Agent:	Collier Reading Architects
Applicant:	T Oliver
Reason for reporting application to Members:	As requested by Chair for reasons of transparency.

1. Recommendation

1.1 That planning permission be REFUSED for the reasons set out in the officer report.

2. Executive Summary of key reasons for recommendation

2.1 It is recommended that that application is refused as the site is within the RAMSAR and the application has offered no phosphates budget calculator or mitigation.

2.2 The officer assessment also identified concerns with regards to amenity and parking. The details of these concerns are explained in the officer report but the main issue is the in principle objection to the proposal due to lack of phosphate information or mitigation.

3. Planning Obligations, conditions and informatives

3.1 Obligations

3.2 Not applicable.

3.2.1 Conditions

3.2.2 Not applicable

3.3 Informatives

- 1) Drawings and reports considered in making the decision
- 2) Refusal

4. Proposed development, Site and Surroundings

Details of proposal

4.1 Conversion of building to 3-bedroom dwelling.

Site and surroundings

4.2 The site is located within the town centre of Shepton Mallet immediately adjacent to a privately owned car park. The building is located at the rear of retail units located on the High Street. Access to the site is via an alleyway between units on the High Street. There is no vehicle access to the site. The site is within the development limits of Shepton Mallet and within the Conservation area. The main building is 16 High Street is a Grade 2 listed building. The new building is considered to be listed as it is attached to the existing building.

4.3 Permission was granted in 2007 for the demolition of an existing building and erection of replacement building to form office accommodation. The proposal is for the change of use of this building to a dwelling. Whilst the building was substantially completed, the office use was never implemented.

4.4 The site lies within the Somerset Levels and Moors Ramsar Risk Area, relating to elevated levels of phosphates within the internationally designated site.

5. Relevant Planning History

5.1 012580/035 - Demolition of existing building and erection of replacement building to form office accommodation. Approved 19.09.2007

6. Habitat Regulations Assessment

6.1 Not required

7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
Divisional Member	No comments were received.
Shepton Mallet Town Council	Support application
Highways	Standing advice
Environmental Protection	No objection
Contaminated Land	Watching brief for contamination
Heritage Conservation	No objection subject to inclusion of conditions.
Ecology	Insufficient information has been submitted to satisfy the LPA that the ecology impacts from the development have been sufficiently taken into account and, as such, satisfactorily mitigation measures have not been provided, in line with policy DP5 of the Mendip Local Plan

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7.2 Local consultation and representation

7.2.1 In accordance with the Council's Adopted Statement of Community Involvement application 2021/1226/FUL was publicised by letters of notification to neighbouring properties 08.06.2021. Site notices were also displayed.

8.0 **Relevant planning policies and Guidance**

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Relevant policies of the development plan in the assessment of this application are listed below.

- Policies of the Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- CP1: Spatial Strategy
- CP2: Housing
- DP1: Local Identity and Distinctiveness
- DP3: Heritage Conservation
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity
- DP8: Environmental Protection
- DP9: Transport Impact of New Development
- DP10: Parking Standards

Other Relevant Documents

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Electric Vehicle Charging Strategy (EVCS) (adopted June 2021)

- Somerset Technical Advice Notes 01/21 Visibility Requirements on the Local Highway Network (updated June 2021)
 - Supplementary Planning Document Design and Amenity of New Development;
 - Guidance for interpretation of Local Plan Policy DP7 (March 2022)
 - National Design Guide
 - Technical housing standards – nationally described space standard
 - Environment Agency Standing Advice
 - Mendip Strategic Flood Risk Assessment (2020)
 - MDC Marketing and Business Evidence to Support Planning Applications SPD (March 2017)
 - National Character Area Profile: 142. Somerset Levels and Moors (NE451), published by Natural England on 20 June 2013 NCA Profile:142: Somerset Levels and Moors - NE451 (naturalengland.org.uk)
 - Landscape Assessment of Mendip District (1997)
 - Mendip Landscape Character Assessment (July 2020)
 - Placemaking Principles for Somerset (October 2024)
 - The Council's Placemaking Principles were adopted in October 2024 following public consultation and are a material planning consideration. These principles set the Council's vision to create attractive, high quality environments that are inclusive and accessible for all. [Appendix 1- Finalised placemaking principles.pdf](#)
- The principles guide the Council's approach to transport and development planning, aiming to enhance the quality of life for residents by promoting active travel, reducing carbon footprints, and fostering community pride
- The 10 Principles are: -
 - 1 *Reduce the need to travel via private car.*
 - 2 *Facilitate modal shift through multi-modal travel measures.*
 - 3 *Integrate car and bicycle parking in a way that prioritises pedestrians and public realm.*
 - 4 *Create an attractive, high-quality environment, incorporating green infrastructure into streets and public spaces.*
 - 5 *Improve road safety for all users through street design, appropriate to the context.*
 - 6 *Facilitate car-free school transport*
 - 7 *Enhance accessibility and attractiveness through materials, street furniture and fixtures.*
 - 8 *Plan lighting, waste storage/collection and other service infrastructure at an early design stage.*
 - 9 *Provide safe connectivity within rural communities.*
 - 10 *Engage key stakeholders early*

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last update December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

2. Achieving sustainable development
4. Decision-Making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy

8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making efficient use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

9.0 Material Planning Considerations

9.1 The main planning issues relevant in the assessment of this application are as follows:

- Principle of Development
- Design of the Development and Impact on the Street Scene and Surrounding Area
- Impact on Neighbouring Amenity
- Impact on Ecology
- Assessment of Highway Issues
- Conservation Area
- Impact on Setting of Listed Building
- Land Drainage
- Land Contamination
- Refuse Collection

9.2 Principle of Development

9.3 Core Policy 1 (CP1) of the adopted “Mendip District Local Plan - Part 1” says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). In this case the development is within the settlement limit of Shepton Mallet, accordingly the principle of development is acceptable.

9.4 Design of the Development and Impact on the Street Scene and Surrounding Area.

9.5 DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

9.6 DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

9.7 The area in which the building is located is within a private car park (owned by Morrisons convenience store). The area is only accessed by their customers for parking. It is not possible to see the building from the public realm.

- 9.8 The proposed works to the building would bring it back into use which would lead to an improvement to the visual appearance of the area.
- 9.9 The proposal by reason of its design, siting, scale, massing, layout, and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Development Policies 1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.
- 9.10 Impact on Residential Amenity
- 9.11 There are no nearby residential properties that would be adversely impacted by the proposal.
- 9.12 The proposal is for a 3 bedroom dwelling but no outside amenity space is proposed. No access is provided from the dwelling into the privately owned car park and the dwelling would be accessed via a narrow alleyway from the High Street. The windows at the front of the dwelling will look directly onto the side of the buildings on the High Street and will provide no positive outlook. The windows at the rear of the property look into a car park. The proposed side windows will also only look out into the car park which is surrounded by development. Other than a poor outlook this siting would result in noise and disturbance from cars manoeuvring in the car park, including lights shining in to the dwelling.
- 9.13 The position of the building, immediately adjacent to a private car park and accessed via a narrow alleyway fails to provide a satisfactory living environment for future occupants.
- 9.14 The proposal by reason of the restricted size and setting of the application site would result in a cramped form of development, resulting in overdevelopment of the site and would not contain sufficient amenity space for the proposed occupier of the new dwelling. Overall it would result in a poor quality development with a poor living environment. The proposal is therefore in conflict with DP7 and DP8 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.
- 9.15 Impact on Ecology
- 9.16 The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar, designated for its rare aquatic invertebrates, and a Site of Special Scientific Interest Impact Risk Zone. There is a major issue with nutrients entering watercourses, which adversely changes environmental conditions for these species. Any new housing, including single dwellings, will result in an increase in phosphates contained within drainage discharges. As the designated site is in 'unfavourable' condition any increase, including from single dwellings is seen as significant, either alone or in combination with other developments.
- 9.17 The impact of the development on a Ramsar site, by way of the potential to increase phosphate levels, is a material consideration. Therefore, the drainage details, with particular regards to phosphate generation and mitigation, are required to inform the Habitat Regulations Assessment for the current application, in order for the LPA to discharge their legislative duties in this respect.
- 9.18 Taking all the above into consideration, insufficient information has been submitted to assess whether the proposal would result in an unacceptable increase in phosphate levels within the foul water discharge affecting the current unfavourable status of the

Somerset Levels and Moors Ramsar site and as such fails Regulation 63 of the Habitat Regulations 2017. Therefore, the proposed development conflicts with Development Policies 5, 6, and 8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

9.20 Assessment of Highway Issues

9.21 The proposal does not include any parking provision for the 3 bedroom dwelling. Somerset Parking Standards require that 3 parking spaces are required as standard for this scale of development. No justification has been provided for the lack of parking provision within the proposal.

9.22 The means of access and parking arrangements are unacceptable and fail to maintain highway safety standards. The proposal does not accord with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

9.23 Conservation Area

9.24 There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area. In this case it is considered that, by virtue of the design, scale, massing, position and the external materials, and having regards to the Conservation Area Assessment of Shepton Mallet, it is considered that no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

9.25 Impact on the Setting of a Listed Building

9.26 There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering development within the setting of a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.27 The site is attached to 16 High Street and is therefore considered to be listed. Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve the setting of the listed building, thereby resulting in no harm to the significance of the designated heritage asset. The proposal accords with Development Policy 3 of the adopted Local Plan Part 1 (2014) and part 16 of the National Planning Policy Framework.

9.28 Land Drainage

9.29 The NPPF, paragraph 167, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

9.30 Development Policy 8 (DP8) states that "*all development proposals should minimise, and where possible reduce all emissions and other forms of pollution*". Point 1 of DP8 states "*Development (either cumulatively or individually) will be required to*

demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”.*

9.31 Development Policy 23 (DP23) states that “*all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)*”.

9.32 Foul drainage is proposed to be directed to the main sewer, which is considered the most appropriate solution in accordance with the foul drainage hierarchy. The impacts of the phosphorous generated by the proposal were covered in the Ecology section above.

9.33 Aside from the ecological concern with phosphates, the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

9.34 Land Contamination

9.35 The site is within an area where the former land use has the potential for hotspots of contamination. However, the Contaminated Land Officer did not object to the proposal. An informative note was suggested to be added to the decision notice. If approved, the advice would be included as described.

9.36 The proposed development would not have an adverse impact on site workers or future occupants and users of the site. The proposal accords with Development Policy 8 of the adopted Local Plan Part 1 (2014) and Parts 11 and 15 of the National Planning Policy Framework.

9.37 Refuse Collection

9.38 No information has been provided with regards to the storage of waste and recycling. Due to lack of external space for the dwelling there are concerns with regards to where such items could be stored. If the application was recommended for approval these details could be secured by condition.

10 Planning Balance and Conclusion

10.1 The proposal would result in a single additional dwelling where there is a shortfall. The proposal would also result in a small economic benefit to local shops and facilities. These benefits are considered minimal.

10.2 Although the district has a shortfall in its 5 year housing land supply, the harm associated with the development in respect of its poor quality design and contrived siting plus the poor living environment for future occupants are considered to significantly and demonstrably outweigh the benefits. Furthermore, the proposal fails Regulation 63 of the Habitat Regulations 2017, including information on any necessary control mechanisms for delivery, monitoring, and maintenance. The

proposal is therefore also considered to be unsustainable development pursuant to paragraph 188 of the National Planning Policy Framework.

RECOMMENDATIONS

Recommendation:

Refuse application for the following reasons: