

Application Details	
Application Reference Number:	<u>2021/1675/EOUT.</u>
Application Type:	<u>Outline Application</u>
Earliest decision date:	18/08/2021
Expiry Date	08/11/2021
Extension of time	
Decision Level	Committee
Description:	<p>Application for the erection of up to 1,700 dwellings (Use Class C3), two care homes (Use Class C2), 6.7 hectares of employment land (Use Classes E, B2 and B8), a mixed use local centre for primary school (Use Class F1), cafes/restaurant and convenience store (Use Class E) and other supporting social and physical infrastructure (Use Classes F1, F2 and E), provision of greenspace and other supporting ancillary works.</p> <p>All matters reserved (Access (within the site), Layout, Scale, Appearance, Landscaping) other than four new vehicular site access points from the existing highway.</p>
Site Address:	<u>LAND SOUTH OF FROME BOUNDED BY MARSTON ROAD, B3092/RAILWAY LINE AND A361 (FROME BYPASS) AND INCLUDING LAND TO THE SOUTH OF THE A361 FROME SOMERSET</u>
Division	Frome East
Parish:	Selwood
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	No
National Landscape/AONB:	No
Case Officer:	<u>Gwilym Jones</u>
Agent:	Grassroots Planning
Applicant:	LAND VALUE ALLIANCES AND LANDOWNERS CONSORTIUM
Committee Date:	
Reason for reporting application to Committee	Major application, EIA, Departure

1. Recommendation

1.1 Subject to

- **the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a ‘call-in’ direction under Section 77 of the Town and Country Planning Act 1990; and**
- **National Highways having withdrawn their Holding Recommendation**

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- **the recommended Conditions set out in Paragraph 3.1 of the Officer Report and such non-material amendments thereto as Officers may consider appropriate to ensure the acceptable implementation of the development; and**
- **the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report**

2. Executive Summary and Key Reasons for Recommendation

2.1 The application site comprises approximately 95 hectares of land located on the southern edge of Frome in Somerset East (the former Mendip District Council area), the majority of which is in agricultural use with occasional farm buildings and residential properties. The site is bounded to the north by the existing built edge of Frome (including housing sites with permission/under construction) and to the west, south and east by existing roads including the A361 Frome bypass. The site includes a section of the River Frome.

2.2 The application proposes the erection of up to 1,700 dwellings, two care homes, 6.7 hectares of employment land, a mixed use local centre including a primary school, local convenience store, cafes/restaurant together with associated infrastructure, greenspace and other ancillary works. The projected programme for the delivery of the development is approximately 15 years.

2.3 The development plan comprises the Mendip Local Plan Part 1 (LPP1) and Part 2 (LPP2) which covers the period to 2029. The process of preparing a replacement Local Plan is at an early stage with publication of the Regulation 19 version of the Local Plan programmed for October 2026, public Examination in March 2027 and Adoption in March 2028. The application site is not allocated for development in the adopted Local Plan nor identified as a site in the ‘Limited Update’ to LPP2 which is currently in progress. Accordingly, the proposed development represents a departure from the development plan and has been advertised as such. As a departure, and where the local planning authority does not propose to refuse planning permission, under The Town and Country Planning (Consultation) (England)

Direction 2024 the authority is required to consult the Secretary of State. The authority shall not grant planning permission until 21 days from the date that Secretary of State advises in writing that they have received specified information relating to the application, or sooner if the Secretary of State has notified the authority that they do not intend to issue a 'call-in' direction in which case the authority may proceed to determine the application.

- 2.4 The National Planning Policy Framework – December 2023 (NPPF) establishes a presumption in favour of sustainable development. Para. 11 d) of the NPPF states that in determining planning applications that means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.
- 2.5 In terms of the Mendip Local Plan policies which are most important for determining this application (see 9.5 below), it is relevant to note that these must be treated as being 'out of date'. (NPPF Para 11d). This is because Somerset East is unable to demonstrate a 5-year supply of deliverable housing sites (currently 3.67 years). Therefore, para.11 d) of the NPPF (the 'tilted balance') is engaged i.e. permission should be granted unless the circumstances set out in para. 11 d) i. or ii. apply.
- 2.6 That said Paragraph 11(d) does not require Local Plan policies to be excluded from consideration completely and that the Council may take them into account when conducting the tilted balance exercise. The Courts have held that it is not sensible to divorce the consideration of Development Plan policies from the tilted balance exercise. It is for the decision-maker to decide how much weight should be given to the policies of the Development Plan, including the "most important policies" referred to in Paragraph 11(d).
- 2.7 The application site is not within a nationally designated landscape area and does not include designated habitats sites or Site of Special Scientific Interest. The application site is however within the setting of Cranborne Chase National Landscape (formerly Area of Outstanding Natural Beauty AONB) area including a Dark Sky Reserve. The Mells Valley Special Area of Conservation (SAC) is located approximately 2.6km to the north-west of the application site and the site lies with the 'Consultation Zone' of the SAC with Lesser Horseshoe and Greater Horseshoe bat populations known to be present in the local area. Vinney Lane Local Wildlife Site (a locally designated non-statutory site) is located within the application site. The application site is predominately Grade 4 agricultural land i.e. not 'best and most versatile'.

- 2.8 Given the distance of the application site from the boundary of the National Landscape area, the intervening agricultural landscape as well as the physical, visual and audible influence of the A361 Frome bypass, it is considered that the impact of the proposed development on the setting of the National Landscape area will not be significant and that the special qualities of the natural landscape and the reasons for its designation will be preserved. In addition, it is considered that the proposed lighting levels across the development would maintain the setting of the National Landscape, including how it would affect the dark sky quality of the wider Dark Sky Reserve.
- 2.9 A Bat Mitigation Strategy has been submitted and in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) an appropriate assessment has been carried out by the Council. The assessment concludes that, with mitigation, there would be no likely significant effect on the favourable conservation status of the SAC bat population. Natural England have confirmed their agreement to the conclusions and recommended mitigation. Vinney Lane Local Wildlife Site will be maintained as part of the green infrastructure within the development.
- 2.10 There are no listed buildings, Scheduled Monuments or other designated heritage assets of archaeological interest within the application site. However, there are Grade II* and II listed buildings and Grade II Registered Park and Garden and a Scheduled Monument within 1km of the site. Frome Conservation Area lies approximately 450m to the north of the application site. Given the distance and intervisibility between the application site and designated heritage assets it is considered that the impact of the proposed development on their setting is less than substantial. It is considered that the limited harm to designated heritage assets is outweighed by the public benefits of the proposed development including the provision of affordable housing that will address a local need and the provision of employment floorspace to support the local economy.
- 2.11 The majority of the site is in Flood Zone 1, with land adjoining the River Frome in Zones 2 and 3. Built development is located within Flood Zone 1. The Environment Agency has raised no objection to the application. A surface water drainage strategy has been submitted and subject to further details being submitted for approval prior to commencement of development the Lead Local Flood Authority has raised no objection to the application. Wessex Water have raised no objection to the application subject to submission of a detailed foul water drainage strategy with each reserved matters application.
- 2.12 The proposed development will increase demand for local services including education and health. The provision of a First/Primary School (including Nursery) on site and a contribution to off-site education provision has been agreed and will be secured through s.106 planning obligations. Somerset Integrated Care Board (covering primary care services) have advised that existing facilities at the Frome Medical Centre are sufficient for the new population and are not seeking a financial contribution to expand GP services. The Royal United Hospitals Bath NHS Foundation Trust has advised that a financial contribution is required to mitigate the impact of the

development on acute and specialised services. This would be secured through a s.106 legal agreement.

- 2.13 The application proposes various active travel measures and mitigation to address the impact of the proposed development on the local and strategic highway network. Subject to the measures and mitigation being secured through a s.106 legal agreement, the Highway Authority raise no objection to the application. National Highways issued a Holding Recommendation in respect of the works to the A36 Beckington and White Row roundabouts. The Council has worked with National Highways and the Applicant to address the matters raised (timing and funding for the works and delivery strategy) National Highways have advised that, subject to agreement of the detailed wording of conditions, the Holding Recommendation will be withdrawn. Officers are of the opinion that this does not amount to a reason to defer determination of this planning application or to refuse planning permission.
- 2.14 The proposed development would deliver up to 1,700 new homes including 30% (510) affordable, making a significant contribution to addressing local housing need. The Council's Housing Enabling Officer has confirmed the proposed tenure mix of the affordable homes and indicative mix is acceptable and would be secured through a s.106 legal agreement. The provision of new employment floorspace will contribute to and support the local economy and provide local job opportunities for new and existing residents.
- 2.15 The scale of the proposed development allows for a comprehensive approach to the masterplanning of the site with the provision of new homes and associated social infrastructure as well as delivering open space and other facilities to serve the site and local area. It also enables a strategic approach to addressing issues such as surface water drainage within the site and the funding and delivery of off-site highway works. The submission of design guidance with the application (to be further detailed in Design Codes) sets quality and sustainability benchmarks against which future reserved matters applications will be assessed.
- 2.16 Notwithstanding the scale and projected timescale for completion of the development, which goes beyond the current Local Plan period, given the shortfall in housing delivery in the East Somerset area, Frome's status as the largest principal settlement in this area and the general sustainability of the town and the application site, it is considered that to approve the application would not prejudice or otherwise predetermine the preparation of the new Somerset-wide Local Plan.
- 2.17 Representations from statutory consultees, other organisations and the public have been taken into account in the assessment of the proposed development as well as all other material planning considerations.

Having regard to all the matters raised, it is recommended that planning permission is **GRANTED** for the reasons set out in this report subject to:

- the recommended Conditions set out in Paragraph 3.1 below; and
- the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 below

3. Planning Conditions and s.106 Heads of Terms

3.1 Planning Conditions (full text in Appendix 1):

Condition		Summary of Scope
1	Time Limit	Submission of Reserved Matters - first submission two years post permission - commencement of development three years post permission or two years post first reserved matters approval
2	Site-Wide Strategic Infrastructure Masterplan	Details of strategic road network, strategic open space, surface and foul water drainage
3	Phasing Details	Each reserved matters to relate to a defined phase; details of sequencing and programme for build out
4	Land Use Reconciliation	Monitoring reserved matters against scope of permission
5	Design Codes	Submission of detailed design codes for each phase
6	Compliance Statement	Monitoring reserved matters compliance with approved plans and codes
7	Noise insulation	Details to protect residential amenity with each reserved matters application
8	Electric Vehicle Charging	Details of location and specification with each reserved matters application
9	Materials	Samples of external materials with each reserved matters application
10	Hard and Soft landscaping	Submission of landscaping details with each reserved matters application
11	Environmental Management (Amenity)	Detailed plan to protect residential amenity during construction
12	Environmental Management (Biodiversity)	Detailed plan to protect environment / biodiversity during construction
13	Lux Contour Plan	Lighting strategy to minimise impact on protected species
14	Reptile Mitigation	Measures to minimise impact on protected and other species
15	Further Updated or Supplementary Surveys	Requirement for site information to be up-to-date during build out
16	Post Construction Biodiversity Monitoring	Ongoing monitoring of site biodiversity

17	Biodiversity	Plan for biodiversity enhancement and management during build out
18	European Protected Species	Requirement for relevant licences
19	Roost Compensation	Detail/provision of replacement bat roosts
20	Surface Water Drainage	Details of SuDs
21	Surface Water Drainage	Updated hydraulic modelling
22	Surface Water Drainage	Management and maintenance scheme
23	Foul Water Drainage	Details of submitted strategy
24	Pollution Prevention	Measures to prevent contamination during construction
25	Site Characterisation	Contamination risk assessment/survey
26	Remediation	Remediation scheme if contamination found
27	Verification Reporting	Confirmation of remediation works
28	Unexpected Contamination	Reporting of unexpected contamination
29	Archaeological Investigation	Submission of site investigation scheme
30	Archaeology	Analysis and reporting of finds
31	Secure By Design	Statement on compliance with SBD objectives
32	Noise limit for external plant	To protect residential amenity
33	Non-Residential hours of use	To protect residential amenity
34	Highways works	Details to adoptable standards
35	A36 Junctions works	Trigger/implementation programme for Stage 1 works
36	A36 Junction monitoring	Ongoing monitoring of junction
37	A36 Further works	Trigger/implementation programme for Stage 2 works
38	Public Rights of Way	Footpath retention/diversion procedure
39	Plans List	Approved documents

3.2 Informatives

- 1) Habitats Survey Record
- 2) Amenity Conflict Potential
- 3) Public Rights of Way Orders
- 4) LLFA Consent
- 5) Environment Agency (Environmental Permits)
- 6) European Protected Species Mitigation Licence
- 7) Proactive Statement

3.3 S.106 Heads of Terms (further detail in 10.14)

Topic	Key Terms
Affordable Housing	<ul style="list-style-type: none"> • 30% on site (510 homes (based on 1,700 total)) • 70% Social Rent • 30% Intermediate • Delivery per phase • Clustering (maximum number)
Education (First/Primary school and Nursery)	<p>£9,893,130 (£5,819.49/dwelling)</p> <ul style="list-style-type: none"> • On-site provision (2.1ha) • Construction on site by developer to SCC specification or serviced site and construction by SCC funded by developer • Contribution to off-site provision (interim) £1,695,040 (£997.08/dwelling)
Education Middle Upper SEND	<ul style="list-style-type: none"> • Contribution to off-site provision • £6,376,356 (£3,750.80/dwelling) • £4,190,329 (£2,464.90/dwelling) • £1,583,014 (£931.19/dwelling)
Open space	<ul style="list-style-type: none"> • On site provision by phase • Management responsibilities (FTC or ManCo)
Highway works	<ul style="list-style-type: none"> • Contribution to works at junctions in Frome: • Marston roundabout - total cost • A361 Signal controlled junctions (x2) - £175,000 • Gorehedge junction - £102,200 • The Butts - £60,000
Highway works	<ul style="list-style-type: none"> • Contribution to A36 junction works (to be implemented by SCC) <p>Total cost of works £4.23m</p>
Public transport	<ul style="list-style-type: none"> • Contribution to expand/extend 30 Bus service - £247,000
Sustainable transport	<ul style="list-style-type: none"> • On site provision • Electric scooters/bikes (£187,500) • Car Club (£41,250) • Resident Green Travel vouchers (£313,700)
Sustainable transport	<ul style="list-style-type: none"> • Financial contributions: • Off-site Active Travel routes (£600,000) • Cycle stands/wayfinding (£100,000) • Station improvement study (£25,000)
Travel Plans	<ul style="list-style-type: none"> • Detailed Residential, Employment, School Travel Plans • Travel Plan Coordinator (£72,800) • Travel surveys (£90,200)
Public access/rights of way	<ul style="list-style-type: none"> • Unrestricted public access to on site open space
Health (acute care)	<ul style="list-style-type: none"> • Off site contribution (£289,943)
Sports (pitch)	<ul style="list-style-type: none"> • On site provision

Topic	Key Terms
Sports (pitches)	<ul style="list-style-type: none"> • Off site improvements to Frome Town United Football Academy and Frome Town RFC (£400,000)
Community meeting space	<ul style="list-style-type: none"> • On site provision • Terms of provision
Ecological scheme	<ul style="list-style-type: none"> • Landscape and Ecological Management Plan (including ongoing management and maintenance) • Provision of bat habitat • Biodiversity Net Gain works (including long term management and maintenance)
Local Labour	<ul style="list-style-type: none"> • Training and employment opportunities during construction • Contribution to construction training (£250,000)
Monitoring Charge	<ul style="list-style-type: none"> • Payment triggers

4. Proposed Development, Site and Surroundings

4.1 Proposed Development

4.1.1 This application is for the development of land to the south of Frome comprising up to 1,700 dwellings; care homes (up to 105 beds combined); 6.7 hectares of employment land; a Primary school; retail, cafes/restaurant, community space; greenspace and other infrastructure and ancillary works. The site is bounded principally by Marston Road (B3090) to the west, the A361 to the south, the B3092 to the east, a lane connecting the B3092 to Little Keyford Lane and Little Keyford Lane itself to the north. An area of land to the south of the A361 is also included within the site boundary as well as a small area to the north of Little Keyford Lane.

4.1.2 The proposed development is referred to by the Applicant as 'Selwood Garden Community'. For simplification, the abbreviation 'SGC' is used in this report.

4.1.3 The application is in outline with all matters reserved other than four points of access to the site from existing roads around the perimeter. The detail of these access points are to be determined at this stage. The proposed development is defined by a number of Parameter Plans that prescribe the location of different land uses across the site; the range and location of building heights; the location and type of green infrastructure and open space; the range and location of housing densities; the location of access to the site; and phasing. A land use schedule sets out the mix and maximum floorspace of the different uses of the proposed development.

4.1.4 As an outline application with all matters (other than access points into the site) reserved for later approval, the application does not provide details on how individual parcels of land will be developed other than as specified on the Parameter Plans e.g. zones for particular uses, maximum building heights etc. These parameters are generally of a strategic nature and

therefore, to provide further guidance on the form of the proposed development, the Applicant has prepared a Design Principles Framework Document (DPFD). This is submitted for approval as part of the current outline application and covers matters such as the layout of the development parcels within the site as well as open space; design guidance for buildings including measures to improve sustainability; and the proposed road hierarchy and design specifications for different types of route. This document represents a stepping stone between the high-level Parameter Plans and the vision and aspirations set out in the Design and Access Statement submitted as part of the current outline application, and detailed design guidance in Design Codes to be submitted and approved prior to future reserved matters applications. This document is described in further detail below (Section 10.6).

- 4.1.5 An Illustrative Masterplan has been prepared and submitted with the application which shows how the site could be laid out. However, the Illustrative Masterplan is not for approval as part of the current application and no weight is given to it in the determination of this application other than where it coincides with the Parameter Plans.
- 4.1.6 Access is proposed from four new all vehicle access points to the site via:
- a roundabout on Marston Road/B3090, located just to the north east of the junction with Marston Lane and Paddles Lane;
 - a roundabout on the A361 just to the north west of Vinney Lane incorporating a signalised pedestrian/cycle/equestrian crossing;
 - a two-way access on the B3092 at Blatchbridge, just to the south of the Cross Keys public house incorporating a proposed re-prioritisation of traffic movements on the B3092;
 - a new access on Little Keyford Lane just to the west of the lane connecting to the B3092 incorporating a bus gate and permitting access to existing dwellings on Little Keyford Lane only. A new access will also be created on Little Keyford Lane to a development parcel on the north side of the lane.
- 4.1.7 Access to the site is considered further below (Section 10.4).
- 4.1.8 All built development is located to the north of the A361 with the Parameter Plans defining a number of development parcels separated by green infrastructure/open space and roads. Existing roads through the application site (Paddles Lane and part of Little Keyford Lane) are to be retained as 'greenways'. Vehicular access will be maintained for existing farms and cottages not included within the application boundary or forming part of the SGC development only. Vinney Lane is currently a no-through road for general traffic and will provide vehicular access for retained buildings only.
- 4.1.9 The Land Use Parameter Plan breaks down the site into a number of development parcels including areas of residential (Class C3); predominately residential development (that also allows for up to 5% of the floorspace to be for non-residential uses including Care Homes (Class C2); and employment space (Class E). Located towards the centre of the site is a mixed use 'community hub' comprising a Primary School and where various commercial

uses are proposed (convenience store, restaurant/cafe, hot food takeaway, dentist, community meeting space, employment uses, care home and residential). An area of Class B2, B8 and E(g) commercial space is proposed to the south east of the River Frome with access off the B3092 at Blatchbridge. An area of employment space Class E (g) is also proposed adjacent to Paddles Lane.

- 4.1.10 The Building Heights Parameter Plan specifies the maximum building height of buildings across the site, measured from the highest part of the building plot. The tallest buildings (up to 16m to top of ridge/maximum four storeys) are around the community hub, located towards the lowest part of the site, with building heights reducing to the north and east. The majority of the areas for residential development would permit buildings up to 12m/maximum three storeys in height (including pitched roof), with lower buildings (up to 9m/maximum two storeys in height) generally permitted around the fringes of the site including along sections of Little Keyford Lane, the lane linking to the B3092 and to the west on Marston Road. The areas of employment use are up to 12m/maximum two commercial storeys in height.
- 4.1.11 The Housing Density Parameter Plan proposes a range of residential densities across the site, from the highest at up to 60 dwellings per hectare (dph) at the community hub towards the centre of the site and surrounded by a higher density area at up to 42dph, with the majority of housing adjacent to existing properties at 35-38dph. A low density area (up to 21dph) is located on the north eastern fringe where the existing site levels are steepest.
- 4.1.12 The Green Infrastructure Parameter Plan identifies the areas between development parcels for a range of open space purposes with a buffer around the perimeter of the site as well as larger areas of informal recreational open space including along a section of Little Keyford Lane and existing hedge lines within the site; areas for allotments (adjacent to the main area of recreational space), community orchards and foraging woodland; and either side of the River Frome (which includes land identified for a sports pitch). In addition, land on the south side of the A361 is identified as a natural/semi natural green space that provides supporting/replacement habitat for bats. This Plan also identifies the location of veteran and other significant trees on the site.
- 4.1.13 The Access Parameter Plan identifies points of access to the site and the general alignment of the principal vehicular routes through the site. These routes connect towards the centre of the site at the community hub. However, there is no vehicular access between the areas of development either side of Little Keyford Lane other than for buses, cyclists and pedestrians. In addition, access to/from Little Keyford Lane is for buses, cyclists and pedestrians only. This Plan also identifies vehicular access to the employment space at Blatchbridge. Little Keyford Lane, Paddles Lane and Vinney Lane (the latter currently a no-through road) which are currently open to all traffic are proposed to be re-classified as 'Greenways / 'Quiet Lanes'. These would be accessible for pedestrians, cyclists and horse riders only, other than for vehicles accessing existing houses that are to be retained and lie outside the application site boundary. The Plan also shows indicative

active travel routes for non-car modes. A pedestrian bridge is proposed over the River Frome linking the community hub and main employment area at Blatchbridge. The proposed site access on the A361 includes a signalised pedestrian, cycle and equestrian crossing linking two sections of Vinney Lane that are currently gated either side of the A361.

4.1.14 The Phasing Parameter Plan identifies six principal phases with development over a projected 15 year build period.

- Following the construction of the new access off Marston Road to service land to the west of Little Keyford Lane, Phase 1a (projected build years 1-5) would involve the construction of around 400 homes as well as an area for residential-led development with the potential for care homes or employment uses. This phase includes the laying out of the main area of public open space in the development as well as allotments and an area of community orchard. The land south side of the A361 would be planted to establish new areas of natural habitat.
- Phase 1b comprises the construction of the new access off the B3092 to service the employment land at Blatchbridge.
- Phase 2 (projected build years 2-8) comprises the construction of the new site access on the A361 and extends the area of development to the east/south of Little Keyford Lane. This phase includes the community hub and new school as well as the laying out of the open space around the River Frome.
- Phase 3 (projected build years 7-9) would develop the area of land between Paddles Lane and Marston Road/A361 for housing and employment space.
- Phase 4 (projected build years 9-11) and 5 (projected build years 9-15) would involve the development of housing to the east of Little Keyford Lane. The new access from Little Keyford Lane (buses and pedestrians/cyclists only) would link though to the community hub, with Phases 4 and 5 served by the access off the A361.
- Phase 6 (projected build years 12-14) would comprise self-build housing plots on the northern edge of the site.

4.2 Site and Surroundings

4.2.1 The application site is located on the southern edge of Frome, bounded by Marston Road, the A361, B3092 and Little Keyford Lane and extending south of the A361 incorporating land bounded by Bull's Quarries Road. The total site area extends to 94.8 hectares comprising predominantly agricultural land, interspersed with individual houses and farm buildings. Two public roads, Little Keyford Lane and Paddles Lane, run through the site as does Vinney Lane which is a no through road serving individual properties. The site is bounded to the south east by the Frome-Warminster railway line and includes a section of the River Frome between the B3092 and A361. Several Public Rights of Way (PRoW) run through the site (including paths FR14/39, FR14/40 and FR14/32) and along part of the perimeter of the site (FR14/41). The redline boundary of the application site includes Sandys Hill Farm and associated buildings but excludes a number of other properties including on Little Keyford Lane and Vinney Lane as well as at the periphery of the application site on Paddles Lane and the B3092.

- 4.2.2 The site falls generally from the west/north towards the River Frome. The majority of the site is located within Flood Zone 1, with the area adjacent to the River Frome in Flood Zone 3. There are a number of streams and ditches that cross the site as well as a surface water sewer and culvert that connect with existing development to the north of the site. The majority of the agricultural land is classified as Grade 4 (Poor) with small areas of Grade 3a (Good) and 3b (Moderate).
- 4.2.3 There are no statutorily designated sites of ecological importance within the application site. However, Vinney Lane Local Wildlife Site (a locally designated non-statutory site on account of aquatic invertebrates found there) lies within the application site and comprises a short length of stream within dense vegetation and hedgerows on either side. There are well-established trees across the site (including a number identified as 'veteran') as well as small areas of woodland and groups of trees. Established hedgerows form field boundaries as well as along Little Keyford Lane and Paddles Lane and the majority of the site's perimeter.
- 4.2.4 The Mells Valley Special Area of Conservation (SAC), designated due to the breeding population of Greater Horseshoe bat and habitats, is located approximately 2.6km to the north-west of the site. Greater and Lesser Horseshoe bats are known to be present in the local area including across the application site. The nearest statutorily designated wildlife sites are the Vallis Vale SSSI (2.5km northwest), Postlebury Wood SSSI (3km southwest) and Bradley Woods SSSI (3.8km southeast). Approximately 2km to the south east is Cranborne Chase and West Wiltshire Downs National Landscape (formerly Area of Outstanding Natural Beauty/AONB).
- 4.2.5 There are no designated heritage assets located within the application site. However, a number of Grade II listed buildings are located adjacent to it – Keyford House and conservatory, together with the boundary wall gates and gate piers that face on to Little Keyford Lane; 8-9 and 11-11a Little Keyford Lane; the Cross Keys Inn on the B3092; and Feltham Farmhouse on Bulls Quarries Road. Marston House, located to the south of the A361, is listed Grade II* and its grounds a Grade II Registered Park and Garden. The southern extent of the Frome Conservation Area, part of the Keyford Character Area, lies approximately 450m to the north of the site. A Scheduled Monument, the deserted medieval site south west of Tytherington Bridge, lies to the south of the A361 and within 1km of the site. Further afield is Cley Hill Scheduled Hill Fort approximately 6km to the east of the application site.
- 4.2.6 The site is not directly served by existing bus services although there are bus routes/stops located within 400-500m of the site boundary. The 162 (operated by Frome Bus) runs between Frome and Shepton Mallett along Marston Road with a stop on Sandys Hill Lane and connecting with Frome town centre and community hospital/medical centre. The D2/D2X (operated by First Bus) runs between Bath and Frome via Frome town centre and Oakfield Academy, terminating at Sandys Hill Lane. The No. 30 bus (currently operated by Somerset Council) connects Frome town centre with Mount Pleasant (to the north east of the site). Frome railway station

(connecting with Westbury and Bath and with direct services to London) is located approximately 2.5km to the east of the site.

- 4.2.7 The existing retail and business park off Sandys Hill Lane accommodates a range of shops and employment space and is located close to the northern boundary of the application site.
- 4.2.8 The nearest First school (Christ Church on Feltham Lane) is approximately 1km from the centre of the site and the nearest Middle school (Oakfield Academy on Oakfield Road) approximately 2.5km. Frome town centre is approximately 2km from the site.

5. Planning history

- 5.1 There have been no major or minor applications within the application site boundary in the last 5 years.
- 5.2 Planning permission for development on land adjoining the application site includes housing sites south of Little Keyford and The Mount (LPP2 site FR3a) and mixed use development north and south of Sandys Hill Lane (FR2).

6. Environmental Impact Assessment

- 6.1 As an 'urban development' project the proposal falls within Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations'). By virtue of the site area (more than 5 hectares) and quantum of development (more than 1,000 dwellings), the proposed development exceeds the relevant Schedule 2 criteria and thresholds in the EIA Regulations as well as the indicative screening thresholds set out in National Planning Practice Guidance. considered to be. Accordingly, the proposed development represents 'EIA development' and the application was accompanied by an Environmental Statement (July 2021) including Appendices and a Non-Technical Summary. Following submission of the planning application the Environmental Statement has twice been amended (Addendum August 2022 and February 2024), advertised as such under Regulation 25, and together constitute the Environmental Statement ('the ES').
- 6.2 As part of pre-application submissions the Applicant, sought the Council's advice on the scope of an Environmental Impact Assessment ('EIA'). The Council did not issue a formal Scoping Opinion, but in its pre-application response identified the impacts considered relevant to the proposed development and to be included in the ES: landscape and visual; ecological, nature conservation and arboricultural; transport, movement and connectivity; flood risk and study of the hydrological and geological ground conditions across the site; heritage assets including archaeology; air quality and other environmental characteristics including noise; socio-economic including human health; sustainability and climate change; how the development would be delivered and the scope of new infrastructure; and an assessment of reasonable alternatives.

- 6.3 The ES (para. 1.6.4) sets out where information to comply with Regulations 18(3), (4) and (5) and Schedule 4 of the EIA Regulations can be found within the ES. In summary, Regulation 18(3) specifies the minimum information that must be submitted for an ES to be a statement in compliance with the Regulations; 18(4) states that an ES must be in accordance with the most recent scoping opinion and include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment; and 18(5) sets out requirements to ensure the completeness and quality of the ES. Schedule 4 of the Regulations specifies the information for inclusion in an ES. This includes a description of the likely significant effects of the development on the environment resulting from the construction and operation of the development; the emission of pollutants; risks to human health, cultural heritage or the environment; the cumulation of effects with other projects, the impact on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; and technologies and substances used. Schedule 4 also sets out further requirements in respect of the methodology for preparing and reporting the assessment of likely significant effects of the development on the environment.
- 6.4 The matters to be included in the ES are addressed as standalone chapters (Scope and Methodology; Site and Scheme Description; Need for the Development & Consideration of Alternatives), individual topic chapters (Transport, Landscape and Visual Impact, Ecology and Nature Conservation, Hydrology and Flood Risk, Geology and Ground Conditions, Air Quality, Noise and Vibration, Heritage Assets, Socio-Economic Effects) addressed within the individual technical chapters as relevant (impact on climate and the vulnerability of the project to climate change). It is considered that the submitted ES conforms with the EIA Regulations in respect of the information for inclusion in an ES and appropriately assesses likely significant environmental effects of the development under each topic.
- 6.5 The conclusions of the ES including proposed mitigation are considered under relevant topics elsewhere in this report.

7. Habitats Regulations Assessment (HRA)

- 7.1 As noted above, the Mells Valley Special Area of Conservation (SAC) is located approximately 2.6km to the north-west of the site and Lesser Horseshoe and Greater Horseshoe bat populations are known to be present in the local area. Commenting on the application, Natural England advised that the proposed development has the potential to impact on habitat available to the bat colony (see Section 8 below). In response and in consultation with Natural England, the Applicant has prepared a Horseshoe Bat Mitigation Strategy that identifies a range of measures to mitigate impacts. These include the provision of new and improved habitat across the site as well as corridors with buffer zones where light levels will be controlled. The Strategy concludes that a combination of the layout of the site, including bat corridors and other dedicated bat habitat would maintain foraging and navigating opportunities across the site for the local horseshoe

bat populations. On that basis it is contended that, with mitigation, the effect of the proposed development on the bat population and status of the SAC is neutral.

- 7.2 In support of the application the Applicant, submitted a Shadow HRA (sHRA) which has been reviewed by the Council. Somerset Ecology Services have confirmed that the sHRA fulfils the requirements as delineated under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and recommend that subject to planning conditions and obligations the Council adopts the sHRA. Natural England have been consulted on the HRA and advised that subject to the recommended planning conditions and obligations they concur with the conclusion.

8. Consultation and Representations

- 8.1 Dates of consultation: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024
- 8.2 Press Dates: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024
- 8.3 Site Notice Dates: 14 August 2021, 24 August 2022, 4 March 2024, 10 July 2024
- 8.4 The following were consulted and their comments summarised below. Full comments are available on the Council's website.

Consultee	Summary of Comments	Officer Comment
National Highways	Holding Recommendation to allow for modelling and identification of mitigation at A36 White Row and Beckington roundabouts.	A36 junction modelling and mitigation works agreed. Financial contribution to be secured in s.106 legal agreement. Conditions to secure implementation of works (35, 36, 37) See 10.4.32-10.4.35

Consultee	Summary of Comments	Officer Comment
Natural England	<p>Mitigation strategy required for effects on the Mells Valley Bats SAC, which demonstrates that an adverse effect on the integrity on its qualifying features can be avoided. Observations on potential impacts on National Landscape (Dark Sky Reserve and visual) with potential need for off-site mitigation.</p> <p>Potential impact on Vinney Lane LWS through increased recreational use and need for financial contribution to management and access improvements.</p> <p>Recommend screening for air quality impacts on Mendip Woodlands SAC from increased traffic.</p> <p>Advice on details of green infrastructure (planting, management, maintenance) and opportunities for local habitat enhancements.</p>	<p>Noted – bat mitigation strategy submitted to address concerns See 10.7.13</p> <p>Impacts on setting of National Landscape and Dark Sky Reserve not considered to be significant See 10.5.4-10.5.10</p> <p>Impact on Vinney Lane LWS not considered to be significant See 10.7.10</p> <p>Impact on Mendip Woodlands SAC considered to be negligible See 10.11.13</p> <p>General Advice noted and addressed in LEMP and/or DPF</p>
Environment Agency	No objection subject to condition	Noted – condition proposed (24)
Historic England	Concerns re: impact on setting of Listed Buildings, Registered Park and Garden, Scheduled Monuments	Impact on significance considered to amount to less than substantial harm and harm outweighed by public benefits See 10.8.4-10.8.14
Sport England	<p>Significant degree of uncertainty about whether layout and/or location of the natural turf playing pitches alongside the River Frome would be good quality and fit for purpose.</p> <p>Concerns about the proposed layout and linear configuration</p>	<p>Applicant proposes off-site contribution to improve/extend off-site facilities at Frome Town FC and Frome RFC.</p> <p>Financial contribution to be secured in s.106 legal agreement. See 10.6.13</p>

Consultee	Summary of Comments	Officer Comment
	of the playing pitches that doesn't meet good practice in terms of providing a consolidated playing field area which can be used flexibly for a range of different pitch sports and configuration of pitch types. The proposed layout will also present challenges in terms of management and maintenance.	
NHS (Emergency Care – RUH, Bath)	Financial contribution sought to mitigate impact on acute services	Financial contribution to be secured in s.106 legal agreement
NHS (Primary Care)	There is sufficient infrastructure capacity for primary care services.	Noted
Health and Safety Executive	The proposed development lies within the HSE consultation distance of a following major hazard site. Advice on acceptable land uses within defined zones.	Noted – layout amended to address hazard/risk
Avon & Somerset Police (Crime Prevention Design Adviser)	No objection. Advice for detailed layouts. Recommend Secure by Design certification.	Noted – SBD condition proposed (31)
Avon & Somerset Police (Estates)	Request financial contribution to fund additional staffing (including recruitment costs), building extension, vehicles, mobile equipment, CCTV	Noted See 10.11.7
Devon & Somerset Fire and Rescue	Recommendations on access and facilities for Fire and Rescue Service and on detailed design	Noted – condition proposed (3)

Consultee	Summary of Comments	Officer Comment
Network Rail	No objection subject to condition and informatives	Noted – condition (20) and informatives proposed
Wessex Water	Foul sewerage discharge modelling has identified a point of discharge for the entire site in Marston Trading Estate. In order to provide sewer capacity for the proposed site and other potential sites in the area downstream improvements will be required which will be constructed and managed by Wessex Water to match the rate of development. Existing sewer can be diverted (at the applicant's cost). Recommend condition requiring foul drainage layout.	Noted – conditions proposed (23)
Cranborne Chase National Landscape Board	Object: <ul style="list-style-type: none"> - impact of development on setting of National Landscape - impact of artificial light on Dark Skies Reserve - recreational pressures on National landscape from extra population 	See 10.5.4-10.5.10
National Grid (Asset Protection)	No objection	Noted
National Gas (Asset Protection)	No objection	Noted
CPRE	Object <ul style="list-style-type: none"> - loss of a large swathe of high quality open countryside, much of it best and most versatile agricultural land - substantial harm to landscape setting of the town and it's river - prematurity 	See 10.5.11-10.5.19

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - no need for additional speculative housing and employment development beyond existing Local plan allocations - rural landscape represents the 'green lungs' of the town, with ancient lanes frequently used by walkers, riders and cyclists - far reaching magnificent views would be lost - heritage buildings whose settings will be despoiled - large numbers of mature trees and hedges and their habitats for wildlife will be removed 	
Planning Policy	<p>The entire application lies outside established development limits which were modified as part of LPP1 and then revised again in the recently adopted LPP2. None of the site is allocated for development with the exception of site FR7.</p> <p>The Council is unable to demonstrate a 5 year housing supply against the national Local Housing Need. It is advised that refusal of the proposal on prematurity grounds as set out in the NPPF would be difficult.</p> <p>The application site is not in an internationally, nationally or locally designated area of landscape, environmental or ecological significance although the site lies within the Mells Valley SAC. There are no listed buildings on the site, it is not in a conservation area and there are no TPO trees on the site. However, wider impacts of the</p>	See 10.2.1-10.2.18 10.5.4-10.5.19 10.8.2-10.8.16

Consultee	Summary of Comments	Officer Comment
	<p>proposal on designated areas and assets beyond the site need to be assessed. In terms of the presumption in favour of sustainable development, there appear to be no areas or assets of particular importance that would warrant a refusal of planning permission on this ground alone.</p> <p>This is a proposal of unprecedented scale for Mendip and experience from other parts of Somerset suggests that schemes of this scale to have a high risk of delays to delivery.</p> <p>A substantial amount of growth is already planned for Frome and agreed in the adopted Plan and the proposal would result in a disproportionate level of growth in Frome compared with other principal settlements. The council would need to be satisfied that the cumulative development resulting from existing allocations / commitments and this site is sustainable.</p> <p>An important objective for Frome in LPP1 is to improve self-containment. This makes the delivery of employment / mixed-use space in the site a critical issue. In principle LPP2 is supportive of additional employment sites on the fringes of the main towns and in locations accessible to the primary highway network.</p>	
Highways Development Management	No objection subject to mitigation works to junctions in Frome.	Noted – mitigation to be secured in s.106 legal agreement See 10.4.4-10.4.31

Consultee	Summary of Comments	Officer Comment
Education	No objection subject to provision of on-site First/Primary school and Nursery; off-site financial contribution to Middle, Upper schools and SEND	Noted – mitigation to be secured in s.106 legal agreement See 10.3.9-10.3.11
Lead Local Flood Authority	No objection subject to conditions including updated modelling	Noted – conditions proposed (20, 21, 22)
Housing Enabling	No objection subject to s.106 obligation	Noted – tenure mix, size and delivery to be secured in s.106 legal agreement See 10.2.14-10.2.15
Landscape	Proposed development gives rise to a significant scale of impact and subsequent major to moderate adverse effects on the landscape. Given the existing landscape character and quality if i) the totality of the measures specified on the Green Infrastructure Parameter Plan are secured by condition and implemented in full; and ii) the green infrastructure is properly managed going forward with an appropriately funded and through a Landscape and Ecological Management Plan these effects are not in themselves considered to be a reason for refusal.	Noted See 10.5.11-10.5.19
Archaeology	No objection subject to condition regarding archaeological investigations	Noted – conditions proposed (29, 30)
Ecology	No objection subject to conditions and s.106 agreement to secure mitigation and habitat enhancements	Noted – conditions (12, 13, 14, 15, 16, 17, 18, 19) and s.106 obligations proposed

Consultee	Summary of Comments	Officer Comment
Arboriculture	No response	Plan identifying existing trees and hedgerows to be included as part of Plans List for approval.
Contaminated Land	No objection subject to condition	Noted – conditions proposed (25, 26, 27, 28)
Environmental Protection	No objection subject to conditions to limit any potential detriment to amenity due to noise (and other effects during construction). Air quality objectives are predicted to be met.	Noted – condition proposed (11)
Rights of Way	No objection subject to conditions and informative	Noted - condition (37) and informative proposed
Sustainable Travel And Tourism	Object to layout of junction on B3090 and B3092. Propose crossing facilities at the junction of Little Keyford Lane/Paddles Lane and A361	Noted. Detailed design of junctions will be the subject of a s.278 Agreement with the Highway Authority. New junction on A361 includes pedestrian, cyclist, equestrian crossing
Councillor Collins	Object <ul style="list-style-type: none"> - traffic impact on surrounding roads leading to town centre - already have numerous sewage overflows and SGC plan to pump uphill to current sewage treatment plants instead of building a new one. - the development is outside the Local Plan development area so should be out of order in the first place 	See 10.4.16-10.4.29
Councillor Dunk	Comment <ul style="list-style-type: none"> - loss an area of productive land which forms a valuable, if not indispensable, part of 	See 10.5.11-10.5.17 See 10.2.1-10.2.9

Consultee	Summary of Comments	Officer Comment
	<p>the landscape character of this part of Frome</p> <ul style="list-style-type: none"> - Frome has other more suitable housing development sites that are, or will shortly be, coming through the Planning system so question the need for a large village on these slopes on the Southern edge of Frome 	
Councillor Kay	<p>Neutral</p> <ul style="list-style-type: none"> - the development could add 25% more people, over and above the existing population of Frome, along with those new people's associated needs, and required infrastructure - the existing population of Frome are already causing problems on access roads in and out of the town in rush hours, and on link roads to the A36, as so many people commute out of town to work. Frome has the highest rate of out-commuting in Mendip/Somerset East, so in that respect it is already unsustainable - A36 junction works limited in scope and will do nothing to help traffic going through Rode in the other direction towards Trowbridge in the morning or traffic going north to Bath from backing up on the A36 - question whether sufficient contributions to pay for the works - the fact Frome has a railway station is sometimes used to suggest the town is 	<p>See 10.3.6-10.3.13 10.4.17-10.4.35 10.9.11-10.9.12 10.5.11-10.5.19 10.2.16</p>

Consultee	Summary of Comments	Officer Comment
	<p>'sustainable' but limited services</p> <ul style="list-style-type: none"> - so much hard-standing that there will be increased levels of run-off unless large drainage pits are included in each sub-estate - doubling up routes of springs, contours and shallow watercourses as public open spaces they will in fact be slushy muddy areas that are unusable by the public in winter. If approved recommend condition for permeable all weather paths to be included along green/blue infrastructure corridors. - recommend permeable paving for parking courts - many sewage discharges into the River Frome from combined sewage overflows due to the increased frequency of intense rainfall events, plus the ancient sewage infrastructure, plus the increase in housing in southern Frome. All the new developments already given permission intend to pump sewage back up the hill and then all around the town to the Frome sewage works. This is an over engineered solution and propose a new sewage works be built towards the Blatchbridge roundabout area - concern at securing delivery of proposed school and question no request for funding from NHS Primary care - concern at enforceability of design guidance 	

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - phasing of replacement hedgerow planting needs to precede removal - the scale and scope of the changes to this agricultural landscape are such that every receptor within or immediately beside the application boundary – whether it is a resident, user of the lanes or PROW's, will all experience an effect that is major adverse - recommend adjustment to parameter plan at junction of Sandys Hill Lane and Little Keyford Lane to retain existing view - recommend increase in affordable housing and concern that no one-bed flats for sale - concern some housing densities are too low 	
Councillor Parks (Wiltshire)	<p>Object</p> <ul style="list-style-type: none"> - traffic impacts on the surrounding roads in Wiltshire have not been addressed and considered 	See 10.4.30
Frome Town Council	<p>Object</p> <ul style="list-style-type: none"> - site is outside the development boundary and would pre-empt new Local Plan - development is not sustainable/distant from major facilities - existing social infrastructure cannot support increased population - affordable housing should be increased to 40% - loss of open countryside and valuable agricultural land 	<p>See 10.1</p> <p>10.2.7-10.2.10 10.3.9-10.3.13 10.4.4-10.4.6 10.9.11-10.11.12 10.5.11-10.5.19</p>

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - foul water capacity in sufficient to deal with development - out-commuting/limited on-site employment space/no evidence of demand <p>If the application is to be approved recommend amendments to the proposals and comment on content of s.106.</p>	
Selwood Parish Council	<p>Comments/Recommendations</p> <ul style="list-style-type: none"> - additional/alternative highway access/works required - need facilities on site to reduce car use to access existing elsewhere in Frome - question capacity of existing foul water system and recommend feasibility study to consider a treatment plant/reedbed system to the south of Frome 	See 10.4.9-10.4.16 10.9.11-10.9.12
Chapmanslade Parish Council	<p>Object</p> <ul style="list-style-type: none"> - increased traffic including commuters - increased risk to road and pedestrian safety and environmental impacts - impact of construction vehicles/HGVs - lack of sustainable travel provision beyond Frome 	See 10.4.30
Lullington Parish Council	<p>Object:</p> <ul style="list-style-type: none"> - no need for additional homes - number of homes exceeds shortfall in housing land supply 	See 10.2.1-10.2.10
Stop SGC	<p>Object:</p> <ul style="list-style-type: none"> - traffic impacts on wider road network during construction and on completion 	See 10.4.11-10.4.14 10.2.1-10.2.10 10.4.17-10.4.31 10.3.8-10.3.13

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - effect of A361 junction works causing delay / slowing lorries - lack of safe pedestrian crossing to Tytherington Park - access to employment land routing of deliveries via Blatchbridge - unprecedented size and scale - development is not part of any housing requirement calculations - delivery of planning obligations - location is unsustainable (distance to train station) - located outside development boundary - impact on local services - timescale for build out of all phases - the ES does not comply with relevant Regulations, survey data is out of date, traffic modelling is defective and work required to overcome National Highways Holding Recommendation will require further consultation. 	<p>The scope and content of the ES complies with the Regulations and has been correctly publicised. Work to address National Highways Holding Recommendation relates to implementation of identified mitigation, not traffic modelling. Survey data is considered to be robust.</p>
Frome Civic Society	<p>Object</p> <ul style="list-style-type: none"> - contrary to Local Plan - granting development of this would pre-empt the new Local Plan - failure to demonstrate social, economic and environmental sustainability contrary to NPPF - public benefits of limited value and need for quantum of development unproven - adverse impacts on town and surrounding countryside significantly and demonstrably outweigh the benefits 	<p>See 10.1.1-10.2.10 10.13-10.14 10.5.1-10.5.19 10.12.1-10.12.7</p>

Consultee	Summary of Comments	Officer Comment
	<ul style="list-style-type: none"> - no proposed framework for delivering sustainable and complex urban growth on the scale proposed 	
Friends of the River Frome	<p>Object</p> <ul style="list-style-type: none"> - development will result in additional downstream flooding, particularly at Wallbridge - development will increase the risk of raw sewage overflows into the river (including from the combined sewer overflow in Frome town centre) - proposed playing fields and play area are located within a floodplain and are therefore likely to be flooded and unusable for large parts of the year. Associated engineering works will have an adverse impact on the landscape setting of the river corridor. 	See 10.9.2-10.9.12

Local Representations

- 8.5 Neighbour notification letters were sent in accordance with the Council's Statement of Community Involvement.
- 8.6 465 comments have been received since the application was submitted (including more than one representation from some parties) raising a wide range of issues. These have been collated and are summarised below:

Objections (summary)	Officer Comment
No need/contrary to Local Plan/contrary to Community Plan/alternative brownfield sites available	See Section 10.1.1-10.2.10
Impact on/lack of existing social infrastructure (medical facilities, schools) in Frome	See Section 10.3.8-10.3.13
Transport <ul style="list-style-type: none"> - additional traffic - congestion - noise/pollution 	See Section 10.4

- impact on junctions - road safety - unsustainable location - out commuting	
Scale of development/Impact on the character of Frome	See Section 10.2/10.6
Impact on the landscape	See Section 10.5
Flood risk/surface water drainage and impact on the River Frome	See Section 10.9
Loss of open countryside/access to open space	See Section 10.1
Loss of agricultural land	See Section 10.5.14
Impact on wildlife/loss of biodiversity/loss of trees and hedgerows	See Section 10.7
Impact on heritage assets	See Section 10.8
Lack of/affordability of affordable homes	See Section 10.2
Climate emergency/carbon footprint	See Section 10.10
Light pollution	See Section 10.5.8-10.5.10
Lack of detail	See Section 10.6
Ongoing management/maintenance	See Section 10.12
Delivery of scheme proposals/planning obligations	See Section 10.12
Support /No Objection	Officer comment
Provision of new homes and employment space	Noted.

8.7 In addition a petition has been submitted signed by 37 people objecting on the grounds that the development is outside the housing development area in the Local Plan and no assessment has been made which proves that 1,700 homes are needed in Frome. They also object to the loss of 240 acres of agricultural land and 2 miles of hedgerows, veteran Selwood Forest trees and habitats when there is a Climate and Biodiversity Emergency.

8.8 Summary of objections – non-planning matters

- Application driven by profit
- Track record of Applicant of delivering large scale developments

8.9 Summary of support – non planning matters – NONE

9. Relevant Planning Policies and Guidance

- 9.1 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that if regard is to be had to the development plan the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 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).
- 9.3 Following the adoption of LPP2 in December 2021 the Plan was the subject of a successful legal challenge. 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. The remainder of the adopted LPP2 was to remain as adopted. Following the publication of housing sites in July 2024 and receipt of representations the Mendip Local Plan Part II Limited Update was submitted to the Secretary of State for independent Examination on 30 September 2024.
- 9.4 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.
- 9.5 The following policies of the Local Plan are relevant to the determination of this application:

Mendip Local Plan Part 1

CP1 Mendip Spatial Strategy
 CP2 Supporting the Provision of New Housing
 CP3 Supporting Business Development and Growth
 CP6 Frome Town Strategy
 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 Transport Impact of New Development
DP10 Parking Standards
DP11 Affordable Housing
DP14 Housing Mix and Type
DP16 Open Space and Green Infrastructure
DP19 Development Contributions
DP23 Managing Flood Risk

Mendip Local Plan Part 2

LP1 Future Development Plan
DP24 Single-Plot Exception Sites for Self & Custom-Build
DP25 Employment Land
DP27 Highway Infrastructure Measures for Frome
FR7 Land at Little Keyford

Neighbourhood Plans

- 9.6 There are no Neighbourhood Plans covering the application site however the site lies adjacent to the Frome Neighbourhood Plan (made in December 2016).

Supplementary Planning Documents

- 9.7 Of relevance to this application are Design and Amenity of New Development, Policy DP24 SPD, Policy DP7 SPD (March 2022) and Greenspace (February 2023).
- 9.8 In addition, although the majority of the application site lies outside the coverage of the Frome Town Design Statement (October 2015) and therefore not of direct applicability to the application site, given the adjacency of the site to the built extent of Frome, the following policies are noted:
- Q1 Visibility
 - Q2 Scale of Development
 - Q5 Development Density
 - L1 Development on the Settlement Edges
 - L2 River Frome corridor
 - MT10 Gateways to Frome
 - G1 Local distinctiveness
 - G2 Settlement Pattern

Other Relevant Policy Documents and Guidance

- 9.9 Other relevant documents include the Mendip Landscape Character Assessment Revision B (2021) where the site is located within Frome Fringes (B2.5 Little Keyford and Blatchbridge); Mendip Local Biodiversity Action Plan; and Somerset Climate Emergency Strategy.

9.10 National Planning Policy Framework (December 2023) and National Planning Practice Guidance. A revised draft NPPF was published on 30 July 2024 and consultation on the proposed changes ended on 24 September 2024. A revised NPPF has yet to be formally published and therefore the current NPPF (December 2023) continues to apply to the determination of this application.

10. Material Planning Considerations

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

1. Principle of Development
2. Housing (including housing land supply and affordable housing)
3. Employment and Other Land Uses
4. Access and Transport
5. Landscape
6. Placemaking and Design Quality
7. Ecology and Biodiversity
8. Heritage
9. Flood Risk and Surface Water Drainage
10. Energy and Sustainability
11. Other Considerations (including air quality)
12. Delivery (including Phasing)
13. Planning Balance
14. Planning Obligations
15. Local Finance Considerations

10.1 Principle of Development

10.1.1 The NPPF (para. 10) states that at the heart of the Framework is a presumption in favour of sustainable development. However, para. 12 goes on to state that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Plan Core Policy 1 (Mendip Spatial Strategy) states that all new development is expected to contribute positively towards delivering components of the vision for the district and associated strategic objectives. That is, to enable the most sustainable pattern of growth across the former Mendip area (Somerset East area) with the majority of development directed towards the five principal settlements (of which Frome is the largest) to reinforce their roles as market towns serving their wider rural catchments. Core Policy 1(c) states that development in the open countryside (i.e. outside the defined development limits) will be strictly controlled but may exceptionally be permitted in line with the provisions set out in Core Policy 4 (Sustaining Rural Communities).

10.1.2 During the preparation of LPP2 the SGC site was promoted for inclusion in the Local Plan by the Applicant. However, the site was not included in the draft Plan, nor considered by the Inspector at the LPP2 Examination. The

site was also put forward as part of the ongoing LPP2 Limited Update. Given its size and delivery timeframe the site it was considered unsuitable within the context of the Limited Update and has not been included in the Mendip Local Plan Part II (Sites and Policies) Limited Update submission (September 2024)

- 10.1.3 The application site is currently open countryside and in agricultural use, with dispersed residential properties and farm buildings. Other than a small part of the application site located to the north of Little Keyford Lane (LPP2 Site Allocation FR7) the site is not allocated for development in the adopted Local Plan and lies outside the defined development limits of Frome. In addition, the proposal does not meet the criteria set out in Core Policy 4 in respect of development in rural locations. Accordingly, the proposed development is a departure from the development plan.
- 10.1.4 Core Policy 1(3) states that in identifying land for development, the emphasis is on maximising the re-use of land within existing settlement limits, and then at the most sustainable locations on the edge of the identified settlements. Any proposed development outside the defined 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.
- 10.1.5 The application site is located on the edge of Frome which provides a range of services including shops, schools, medical facilities and employment space. This includes retail and employment opportunities located close to the site at Wessex Fields. Frome town centre and local schools are accessible by foot and bike, with two bus routes running along the western edge of the site and a local bus service to the north of the site connecting with the town centre and other facilities including the Frome Medical Centre. However, public transport services are infrequent (minimum half-hourly) and there is currently no bus service connecting the SGC site with Frome railway station. Whilst distances and local topography mean that, under current circumstances, travelling from parts of the site to the town centre and beyond is likely to be by car, a range of services are available, within a 10-15 minute walk from the centre of the application site at Wessex Fields where there are also bus routes connecting with other parts of the town. Frome railway station is a 30-35 minute walk/10 minute cycle ride from the centre of the site and provides direct and connecting services to a range of destinations. In the circumstances the SGC site and Frome as a whole is considered to be a generally sustainable location.
- 10.1.6 As noted above, the site is located outside the defined development limits of Frome (i.e. where development will be strictly controlled) although Core Policy 1(3) also states that development will be permitted where it benefits economic activity or extends the range of facilities available to the local communities. The proposed development includes 6.7 hectares of employment land including a dedicated employment area at the south eastern edge of the site as well as a range of other employment uses including offices located within and around a 'community hub' and mixed use areas elsewhere through the site. Whilst this site is not allocated in the Local Plan, and the proposed floorspace is in addition to sites allocated in Frome

identified under Policy CP3 (Supporting Business Development and Growth) and Policy CP6 (Frome Town Strategy), the SGC development would support the provision of employment opportunities in close proximity to the town, benefitting economic activity in accordance with the objectives of Core Policy 1(3).

- 10.1.7 Facilities within the proposed development also include shops, community space and school. These facilities are sized to principally serve the needs of residents of the development, rather than compete with existing centres in Frome. However, they will also be available to the existing local community as will the new areas of public open space within the site.
- 10.1.8 The majority of the site is not allocated for development in the adopted Local Plan and is contrary to the spatial strategy as set out in the Local Plan. However the site, located adjacent to the existing built area of Frome, is a generally sustainable location and the provision of employment space and a range of other services and public facilities on the site are considered to weigh in favour of the principle of development.

10.2 Housing

Current Housing Land Supply

- 10.2.1 The NPPF (para. 69) states that strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Core Policy 2 (Supporting the Provision of New Housing) states that provision over the plan period (2006 to 2029) will be made for a minimum of 9,635 additional dwellings across the district with a minimum of 2,300 homes (105 dwellings per annum) in Frome. Core Policy CP6 provides a breakdown of the 2,300 new homes to be delivered in Frome with around 1,700 homes on previously developed sites and other urban land within the existing development limits and the balance on specified greenfield sites. LPP2 identifies additional housing sites outside, but adjacent to, Frome's development limits with sites FR2 and FR3a located adjacent to the application site and underway. The construction of new homes is currently underway on FR2 to the north of Little Keyford Lane
- 10.2.2 The NPPF (para. 60) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. In respect of maintaining supply and delivery, the NPPF (para. 77) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old. Para. 77 and 79 indicate that the 5-year housing requirement should take into account housing delivery against national or local targets in the previous three years.

10.2.3 The Housing Delivery Test for the Somerset East area as a whole shows that, whilst delivery was ahead of target for the periods 2015-2018 to 2017-2020, for the most recent period (2019-2022) housing delivery has been below target at 76%. The NPPF (para. 79b) requires that in these circumstances, an additional 20% buffer is applied (effectively requiring a 6-year supply). Monitoring of housing completions for Frome itself shows 1,968 net dwellings (private and affordable) had been delivered in the plan period (2006-2024). Delivery over the last 5 years (2019-2024) of 466 homes equates to 93 dwellings per annum. Whilst this was below the target rate for Frome (105 dwellings per annum), over the plan period to date, the delivery has been above this at 116 dwellings per annum demonstrating that there has been no historic under-delivery in Frome. The Somerset – East Area Statement on Five Year Housing Land Supply (October 2024) identifies a Local Housing Need Requirement of 547 dwellings per annum.

10.2.4 When the 5-year land supply requirement for Somerset East as a whole (2,406) is compared with the national Local Housing Need figure (3,282) this shows a land supply of 3.67 years. This equates to a shortfall of 876 dwellings. As the Council is unable to demonstrate a 5-year housing supply, as set out in NPPF para 11d, the tilted balance is engaged in the assessment of the application. That means that planning permission should be granted unless policies that protect areas or assets of particular importance provide a clear reason for refusing permission or that any adverse impacts of granting permission would **significantly and demonstrably** outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Mendip Local Plan Part 2 Limited Update

10.2.5 Although the new Local Plan is in its early stages, the Council is progressing a limited update to LPP2 to identify additional sites for delivery by 2029 in accordance with the High Court ruling. As evidence to the LPP2 update in summer 2023, the Council issued a 'call for sites' and (as noted above) the SGC site was put forward by the Applicant. Together with other sites, it was the subject of a strategic assessment by the Council against policy, infrastructure and delivery criteria. This process identified a number of constraints and uncertainties affecting the SGC site. However, given its scale and the fact that it would substantially deliver beyond the plan period the site was not included in the Limited Update. The identified constraints and uncertainties are addressed elsewhere in this Committee report.

10.2.6 Notwithstanding the conclusion regarding the suitability of the SGC site in the context of the LPP2 Limited Update, the 'call for sites' highlighted the scarcity of medium to long term brownfield sites for housing in the area and that no comparable mixed-use larger scale planned developments are proposed in Somerset East.

Somerset Local Plan

10.2.7 The Somerset Local Development Scheme (October 2023) ('LDS') sets out a programme for the new Local Plan. Whilst this is subject to change, the LDS timetable currently has evidence gathering in 2024 through to 2025, publication of the Regulation 18 draft Plan in April 2025 and the Regulation

19 Plan in October 2026. The Local Plan is to be submitted for Examination in March 2027, with the Inspector's report anticipated in February 2028 and adoption of the new Plan in March 2028. Given the timeframe of the currently adopted Local Plan (to 2029), the programme for the preparation of a new development plan (adoption by March 2028) and the projected programme for the delivery of the SGC development (15 years) consideration needs to be given as to whether the SGC proposals are premature and whether to approve the application would prejudice or otherwise predetermine the preparation of the new development plan.

- 10.2.8 The NPPF (para.49) states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; **and**
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 10.2.9 The NPPF (para.50) goes on to state that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 10.2.10 Objection has been raised both to the scale of the proposed development (and impact on the character of the town) and its promotion outside the Local Plan process. In terms of its overall scale, based on the average household size 1,700 homes equates to a future population of around 4,000 people when fully built out, about 15% of Frome's current population of around 28,000. The scale of the proposed development is therefore significant and representing approximately 70-75% of Frome's current Local Plan allocation (2,300) and 15% of the total district-wide housing requirement. The scale of development could therefore potentially meet the first part of the test set out in NPPF (para. 49) i.e. *"the development proposed is so substantial ... that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan."*
- 10.2.11 It is relevant to note however that the two parts of NPPF para. 49 are to be read together i.e. in addition whether *"the emerging plan is at an advanced stage ..."*, and also with para. 50. Work on the new Local Plan is at an early stage and based on the current LDS submission for Examination is 3 years away. In the circumstances it is considered that part b) of the NPPF para. 49 test does not apply in this case. In addition, and notwithstanding the scale of development and number of new homes proposed in this application, given Frome's status as a principal settlement together with the significant shortfall in delivery of housing in the Somerset East area, it is considered

that it would not be justified to refuse planning permission on grounds of prematurity.

Housing Mix

- 10.2.12 NPPF (para. 64) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site. Local Plan Policy DP11 (Affordable Housing) states that the Council will negotiate a contribution towards meeting the district's affordable housing need from all housing proposals, with 30% of the total number of new homes to be affordable and provision on-site (or a combination of on-site provision and development contribution). On site provision will be on the basis of no public subsidy and a tenure split of 80% social rented, 20% intermediate. Affordable housing is also to be fully integrated with associated market housing through the overall scheme design. The NPPF (para. 66) states that on major development involving the provision of housing at least 10% of the total number of homes should be available for affordable home ownership (First Homes).
- 10.2.13 Local Plan Policy DP14 (Housing Mix and Type) states that proposals for residential development should provide an appropriate mix of dwelling types and sizes to reflect identified local need in Somerset East including for small family sized units and housing suitable for older people.
- 10.2.14 The application proposes the following indicative mix (percentages may not sum due to rounding):

Size	Market		Affordable		Overall	
	No.	%	No.	%	No.	%
1-bed flat	0	0%	172	34%	172	10%
2-bed flat	29	2%	31	6%	60	4%
2-bed house	298	25%	127	25%	425	25%
3-bed house	599	50%	141	28%	740	44%
4-bed house	159	13%	39	8%	198	12%
5-bed house	17	1%	0	0%	17	1%
Self-Build	88	7%	0	0%	88	5%
Total	1,190	70%	510	30%	1700	100%

- 10.2.15 The application proposes that 30% of new homes are affordable. To comply with the current NPPF (December 2023 para. 66 and associated Ministerial Statement, May 2021) the Applicant proposed a tenure split of 67% Social Rent (20% of total housing), 25% First Homes (8%) and 8% Shared Ownership (2%). The Council's Housing Enabling team reviewed the proposed affordable housing mix and advised that taking account of the First Homes requirement and local housing needs data the proposed tenure and dwelling size mix was acceptable.
- 10.2.16 Since this was agreed, the new Government has issued a draft NPPF (July 2024) which deletes reference to the Ministerial Statement (which required at least 25% of affordable homes and to take priority over other affordable housing products) and that 10% of homes are to be available for affordable

home ownership. Given the shift in policy guidance, the Applicant has proposed a tenure split of 70% Social Rent: 30% Intermediate. This is not in strict accordance with Policy DP11 (which sets out an 80% Social Rent:20% Intermediate split). The Housing Enabling Team have reviewed the amended tenure mix which is considered acceptable in principle. They have also identified a preferred dwelling size mix to include the provision of larger (5-bed) houses and adapted housing for disabled. If permission is granted, the affordable housing would be secured via a s.106 agreement including detail on affordable homes on a phase-by-phase basis, the timing of the delivery and clustering to ensure provision throughout the development and in an acceptable form. These requirements are reflected in the s.106 Heads of Terms (see Section 10.14 below).

- 10.2.17 Frome Town Council have proposed that 40% of housing in the SGC development should be affordable. However, this is not in accordance with Policy DP11 of the adopted Local Plan and therefore there is no policy basis on which to require this. Objectors have also raised the issue of the affordability of the affordable homes as well as questioning whether they will actually be built. As noted above, the housing mix includes 70% of the affordable homes as social rent, to be secured through S106 planning obligations. Details of the affordable housing including its integration within the wider scheme design will be secured through the reserved matters applications that will be guided by the DPF and detailed Design Codes.
- 10.2.18 Under the Self Build and Custom Housebuilding Act 2015, local authorities have a duty to grant permissions to meet the identified demand for such housing. Local authorities are also required to keep a register of those seeking to acquire serviced plots for their own self-build and custom house building. The Somerset East Self Build and Custom Housebuilding Register has a significant number of people registered, with the highest number identifying Frome as their preferred location. However, no self-build plots have been granted permission in the town. LPP2 site FR7, which forms part of the proposed SGC development, is identified for self-build housing and the inclusion of self-build plots within the SGC development responds to the need for and interest in this type of housing. Given that the proposed market housing size and type is only indicative, the provision of self-build and custom housing would need to be secured through a s.106 legal agreement.
- 10.2.19 The supporting text to Local Plan Core Policy 2 notes that the Council does not intend to impose a rigid housing density policy for new residential developments which should primarily be established through careful consideration of local context, local character and specific site conditions. As a guide, the net density of new housing development (i.e. the developable area excluding roads, footpaths and other public areas) should aim to be equal to or greater than 30-40dph on sites within towns and 25-30dph in rural areas. The SGC development proposes a range of densities from 21-60dph dependent on the location, site conditions and type of housing to be provided across the site and is considered to be consistent with guidance in the Local Plan.

10.3 Employment Space and Other Land Uses

Employment Space

- 10.3.1 The NPPF (para. 85) states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Local Plan Core Policy 3 states that proposals for economic development that accord with the Spatial Strategy will be supported and Core Policy 1(3) states that 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.
- 10.3.2 The application proposes a range of employment floorspace across the site comprising up to 23,000m² of Class E(g) office, research and development, light industrial, B2 (general industrial) and B8 (storage) floorspace; up to 2,250m² of Class E(g) floorspace; up to 250m² each of Class E retail and restaurant/café, up to 350m² of Class E dentist and up to 250m² Class F2 local community space; and up to approximately 3,000m² of Class E(g) employment space.
- 10.3.3 The principal area of employment space is proposed on land between the River Frome and the railway line at Blatchbridge, accessed from the B3092. This area is identified for a mix of employment uses including general industrial and storage purposes. Another smaller area of employment floorspace is proposed the north of Paddles Lane. This is in response to comments from the Health and Safety Executive regarding risks from a site on the southern side of the A361 that prevent this area from being developed for housing. Given its adjacency to an area of proposed housing within the development, this has been identified for Class E(g) use (i.e. uses which can be carried out in a residential area without detriment to its amenity). A range of other non-residential uses are proposed within or adjacent the Community Hub (retail and restaurant/café, dentist, local community space) in addition to a First/Primary School and Nursery. There is also the potential for other non-residential uses across the site in areas identified as 'residential-led mixed use'.
- 10.3.4 Although the SGC site is not allocated for employment space in the adopted Local Plan, it is considered that the inclusion of a range of employment space is a positive aspect of the scheme that would support the overall strategy for the local economy. The number of jobs that could be supported by the new employment space will be dependent on the type of premises that are constructed and the type of business occupying the space. Adopting a figure of 50sq.m per person, the ES estimates that the employment space (Class E, B2 and B8 uses) would support around 565 full time equivalent (FTE) jobs with an additional 200 FTE jobs in other employment generating space including retail, education and care homes. The ES concludes that the economic impact of the proposed development will be long term, permanent and major beneficial. Not all these jobs would be new to Frome with the space on site providing opportunities for existing businesses to upgrade and/or expand their existing premises, potentially retaining businesses which would otherwise have to relocate.

- 10.3.5 In addition, there would be job opportunities during construction and, based on research into employment supported by house-building, the ES estimates 290-375 jobs would be created/sustained every year over the 14-year build programme as a result of the housing construction element of the proposals alone. Based on a forecast build cost for the development as a whole, the ES estimates around 411 FTE jobs will be created during construction. The ES concludes that the jobs created through construction, as well as those created through the supply chain, will have a moderate beneficial effect.
- 10.3.6 Objections have been raised to the SGC development on the grounds that residents of the development will work outside Frome, adding to the amount of out-commuting from the town to Bath and other locations, particularly by car. Whilst there will inevitably be residents of the SGC development who will not work in Frome, the SGC development includes a dedicated employment area as well as other employment space across the site, and these, together with the growth of home-working, have the potential to provide local employment opportunities for existing and new residents of the town.
- 10.3.7 Objection has also been raised to the location of the access point to the main employment area off Blatchbridge Road, including issues of road safety and noise. The site access (considered in more detail at 10.4.12) will be located between existing properties that are located outside the boundary of the SGC development and will remain. There is also an existing access immediately to the south that serves buildings and uses at Blatchbridge Farm which is also located outside the boundary of the SGC development. Whilst the existing conditions will change, with commercial and other vehicles accessing the site on a regular basis, the number, type and frequency of movements will depend on the businesses occupying the employment space. There is scope, if required, to incorporate noise attenuation and/or landscape buffers between the proposed access road and the existing properties.
- Social Infrastructure
- 10.3.8 Local Plan Policy DP19 (Development Contributions) states that the Council will support the delivery of local infrastructure in line with new development and mitigate or compensate for the effects that new development may have. This includes education and health (as well as physical infrastructure such as roads and water services).
- 10.3.9 The application proposes the provision of a 2 form entry First/Primary and Nursery School on the site and a contribution to school places for older age groups to expand existing facilities in Frome. Both on and off-site provision/contributions would be secured through S106 planning obligations. The Education Department have reviewed the proposals and advised on the levels of contribution required for the different age groups as well as the land required for an on-site First/Primary and Nursery School (2.1 ha) and these have been agreed with the Applicant. The School would be designed to the Council's design and sustainability specifications with construction either by the developer and the School and land being then transferred to the Council or a serviced site could be provided for the Council to build the school.

Details would be set out within a s.106 legal agreement to cover different delivery options.

- 10.3.10 Current forecasts indicate that spaces for First/Primary and Nursery age group children from the first phase of the development could be met through existing capacity at neighbouring schools and the Applicant proposes that the new School would be delivered during the second phase of development. There are difficulties in forecasting pupil numbers and education space requirements over the 15 year construction programme of the SGC development as well as uncertainties regarding the availability of school places. Accordingly, given the changing context in terms of available places it is proposed that, if it is resolved to grant permission for the development, the final arrangements are agreed at the time of the grant of permission including a review mechanism for later phases of the development.
- 10.3.11 A number of objections to the application have been made on the grounds that the proposed provision of a school on the site will not be realised, citing the Southfields Farm development as a precedent. Given the proposed scale of development in this case (1,700 new homes) it is considered that there will be a continuing need for a First/Primary and Nursery School on the site. This is acknowledged by the Applicant, with land identified on the Parameter Plans and delivery to be secured through a s.106 legal agreement.
- 10.3.12 In terms of medical/health facilities the application includes space for a dental practice on site. However, no on site space or off site funding contribution is proposed for a doctor's surgery. A significant number of objections to the application are on the grounds that existing health services in Frome are unable to cope with existing demand and that the SGC development will compound the problem. The NHS have been consulted on the application and responses received from the Somerset Integrated Care Board (covering primary care services) and Royal United Hospitals Bath NHS Foundation Trust (covering acute and specialised services). The Somerset Integrated Care Board have advised that there is sufficient infrastructure capacity for primary care services in Frome to serve the additional population from the SGC development and they would not be seeking a contribution from the SGC development. The Royal United Hospitals Bath has advised that the Trust is operating at nearly full capacity, that increased demand arising from the SGC development will impact on the provision of planned and acute healthcare services and there are not sufficient resources within the existing services to accommodate population growth created by the development. Accordingly, a funding contribution to support the provision of acute health services, to be secured through a s.106 agreement, is recommended.
- 10.3.13 Notwithstanding concerns raised regarding the lack of a doctor's surgery on site, in the light of the representations from relevant organisations, it is considered that appropriate funding has been secured to support medical services. It is also relevant to note that the application includes a range of Class E commercial space across the site that could be occupied as offices, retail or medical services. Given the lead-in time to this space becoming available, occupiers of this space have yet to be identified. However, this

could potentially be occupied by a medical practice, satellite services or a pharmacy if there was demand.

10.4 Access and Transport

10.4.1 The NPPF (para. 114) states that in assessing applications for development it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location; that safe and suitable access to the site can be achieved for all users; that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.4.2 Local Plan Policy DP9 (Transport Impact of New Development) states that development proposals must demonstrate how they will improve or maximise the use of sustainable forms of transport, particularly by means other than the private car. Development proposals will be supported where, amongst other matters, they avoid causing traffic or environmental problems within the wider transport network or generating a requirement for transport improvements which would harm the character or locality; and avoid direct access on to a national, primary or county route where the proposals are outside designated development limits, unless this is essential for the type of development proposed and mitigation on and off site is fully undertaken as part of the development. LPP2 Policy DP27 (Highway Infrastructure Measures for Frome, Beckington and Rode) states that key infrastructure measures will be provided during the plan period in order to support the delivery of the development strategy for Frome at the A36 Beckington and White Row roundabouts.

10.4.3 A significant number of objections to the application raise the issue of the impact of the proposed development on the local road network, both within Frome as well as on routes in the wider area. This relates to issues of highway capacity and congestion, road/junction safety as well as wider sustainability issues including reliance on the use of private cars.

Sustainable Transport and Active Travel

10.4.4 One of the strategic objectives of the Local Plan is to improve accessibility by means other than the private car by ensuring that the majority of new developments (particularly major traffic generators) are located so as to be accessible by a range of transport modes, and to create safe and convenient footpath and cycleway networks, ensuring that new development encourages walking, cycling and the use of public transport. The NPPF (para. 114) states that in assessing applications, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up given the type of development and its location; and (para. 116) that applications should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas and – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. Frome Town

Council's Local Cycling and Walking Infrastructure Plan (2023) locates the SGC site beyond a 20 minute walk of Frome town centre and the northern parts of the site being within a 10 minute cycle ride.

- 10.4.5 Currently the application site is not served by public transport, although there are two bus services running along on its western edge and a service to the north with bus stops approximately 400m and 500m away respectively at the closest point. Frome train station is approximately 2.5km from the application site but not currently connected to the site by a bus service. This application proposes the extension of the existing No. 30 Bus service into the site, thereby providing a direct link with the town centre as well as extending the route to include the railway station and Frome Medical Centre. It is also proposed to increase the frequency of the service from 30 to 20 minutes weekdays and Saturdays. This service is currently funded by Somerset Council and the Applicant proposes supporting the service for 5 years with funding provided on a tapering basis. Another measure to provide an alternative to the use of the private car and reduce the demand for car ownership, is to fund Car Club serving the site for a period of 3 years.
- 10.4.6 The TA includes a non-motorised audit of a number of potential active travel routes in the vicinity of the site and proposes a number of measures to promote non-car modes of transport or alternatives to the use of private cars. Funding is proposed towards active travel infrastructure on site, including the provision of E-scooters and/or E-bikes for local journeys, public E-Cycle charging points and active travel routes through the site as well as linking to existing routes beyond the site. Off site, a number of potential projects on routes between the site and Frome town centre, the railway station and Oakfield Academy have been identified to encourage and support their use by pedestrians and cyclists. These measures and contributions are identified in a Travel Plan Statement that proposes the production and implementation of full Residential, Employment and School Travel Plans to be secured through a s.106 legal agreement.
- 10.4.7 To promote active travel and walking, it is proposed that existing lanes through the site (Little Keyford Lane and Paddles Lane) become 'greenways' providing access to existing retained properties only and that a network of other active travel routes are created within and linking the development parcels. Existing footpaths and bridleways within the application site (FR 14/39, FR 14/39A and FR 14/40) would be retained and incorporated into the green infrastructure network. A small section of Bridleway (FR 14/UN) would be affected by the new access from the A361. However, the new junction has been designed to include a signalised pedestrian and equestrian crossing allowing safe access across the A361 which is currently uncontrolled. The Council's Rights of Way Officer has noted that any diversions would need to be approved under the Highways Act 1980 and has recommended a planning condition requiring confirmation of a footpath diversion order before works that might interfere or compromise the use of these routes. They also recommend an Informative regarding encroachment onto PROWs. These various measures and contributions would be secured through planning obligations and taken together will support alternative travel modes for residents and visitors to using private cars.

- 10.4.8 Local Plan Policy DP10 (Parking Standards) states that new development will be supported where vehicle parking is proposed which is appropriate to the operational needs of the development having regard to the objectives of reducing growth in the use of private vehicles and promoting alternative means of travel and the need for on-site provision to prevent problems of highway safety, congestion or visual intrusion in the vicinity of the site. As an outline application, there are no details of layout within the development parcels nor the design of buildings. However, the DPFD provides guidance on the parking strategy in terms of the general location (on street, on plot or parking court) and layout of the character areas rather than parking ratios with the aim of integrating parking provision (and electric vehicle charging) into the design of the streets and buildings.

Site Access

- 10.4.9 The application proposes four points of access into the site: from the B3090 Marston Road, A361 Frome bypass, B3092 at Blatchbridge and Little Keyford Lane. In response to comments on the original proposals, the application was amended to remove any development to the south of the A361 (and removal of the arm of the proposed roundabout serving this land) and private vehicle access to the site from Little Keyford Lane was removed allowing access for buses, cyclists and pedestrians only.
- 10.4.10 The Marston Road access would involve the construction of a roundabout located just to the east of the existing junction with Marston Lane and Paddles Lane. Marston Lane would remain as a no-through road and provide access to the Mason's Arms as well as residential properties as existing. Paddles Lane would remain as existing, providing access to existing properties only and designated as a 'greenway' to encourage use by pedestrians and cyclist. The existing layby on Marston Road (immediately to the east of its junction with Paddles Lane) would be incorporated into the carriageway which is deflected slightly in the entry to the roundabout. A Zebra crossing to the west of the new roundabout would provide a safe crossing point for pedestrians/cyclists between the SGC development and Marston Lane. This would also provide access to the existing footway on the north side of Marston Road (there is no footway on the southern side or on Marston Road between the Paddles Lane/Marston Lane junction to the A361 roundabout). An uncontrolled pedestrian crossing is proposed to the east of the proposed roundabout. It is also proposed to change the speed limit on Marston Road from 60mph to 40mph to the west of Paddles Lane and from 40mph to 30mph. It is considered that the access proposals are acceptable.
- 10.4.11 Access to the site from the A361 Frome bypass would be via a roundabout located just to the west of Vinney Lane, incorporating a signalised Pegasus crossing for pedestrians, cyclists and horse riders located to the east of the new roundabout. Vinney Lane crosses the A361 but is currently gated either side of the road and it is proposed that vehicular access to the A361 from Vinney Lane is permanently closed, with access to existing properties being maintained via the B3092 from the north and via Bulls Quarries Road from the south. The signalised crossing will provide a safe crossing point for

pedestrians, cyclists and horse riders and connecting with an existing public footpath on the south side of the A361.

- 10.4.12 Selwood Parish Council have raised concerns regarding the proposed access, in particular the impact on lorries having to slow down approaching the roundabout from the east and then struggling to make it up the slope to the Marston Road roundabout. They propose a 'crawler lane' is constructed to accommodate slow moving vehicles, in particular lorries from local quarries, and reference other roads in the area with crawler lanes. It is relevant to note however that the gradient is less steep than other sections of local roads, including parts of the strategic road network without crawler lanes and providing a crawler lane between the A361 site entrance and Marston roundabout is highly likely to require third party land. It is considered that the benefits of constructing an additional lane on this section of the A361 are outweighed by the cost and environmental impact.
- 10.4.13 It is relevant to note that there is an existing footpath that crosses the A361 (to the west of Vinney Lane) and a footpath/bridleway opposite the junction on the A361 Little Keyford Lane/Paddles Lane (to the east of the junction of Bulls Quarries Road and the A361). Both of these involve uncontrolled / informal crossings of the A361 and it is proposed that these existing routes and form of crossings are maintained. Whilst there are existing safety issues with crossing the A361 in these locations that would remain, new footpaths and cycleways within the main part of the SGC site link with proposed areas of open space and the proposed Pegasus crossing at Vinney Lane is within 300-500m providing a safe and accessible crossing point. It is considered that the access proposals, incorporating the Pegasus crossing, are acceptable.
- 10.4.14 Access to the main area of employment space, to the south of the River Frome, is proposed via a priority junction on the B3092/Blatchbridge Road just to the south of the Cross Keys public house. The proposals incorporate a proposed re-prioritisation of traffic movements, with priority to vehicles accessing/leaving the employment site. Accordingly, vehicles travelling between Frome and the A361 would give way to traffic leaving the employment site. Likewise, vehicles travelling from the A361 towards Frome would be required to give way to and turn across traffic leaving the employment site. It is also proposed to reduce speed limits along the B3092/Blatchbridge Road from The Mount to the A361 from 60mph to 30 mph.
- 10.4.15 Selwood Parish Council has proposed that alternative access points to the employment site, either from the proposed new roundabout on the A361 or from the existing Blatchbridge roundabout. Both would involve significant new infrastructure with the need for new road building and bridging over either the River Frome or the railway line with the associated costs and environmental impacts. Accordingly, neither are considered appropriate, particularly when an acceptable site access of the existing road network is available. It is considered that the junction layout including the proposed re-prioritisation at the junction is acceptable and that the reduced speed limits are appropriate.

10.4.16 Access to the site is proposed on Little Keyford Lane just to the west of the lane connecting to the B3092. This will incorporate a bus gate restricting access to the SGC development at this point for buses, pedestrians and cyclists only. A new access is also proposed from Little Keyford Lane to the small development parcel (FR7) on the north side of the lane. Little Keyford Lane would be retained as existing, permitting access to existing dwellings on Little Keyford Lane only, with a priority junction at the new access to the land to the north of Little Keyford Lane. It is considered that the access proposals are acceptable and that restricting access to the SGC development for buses, pedestrians and cyclists only will significantly limit traffic from the development travelling to/from Frome via Little Keyford Lane/Mount Pleasant. Given the narrowness of the existing lane as it approaches the site this layout is considered acceptable.

Highway Impacts

10.4.17 The application is supported by a Transport Assessment (TA) that has considered the impact of traffic from the development on the local road network using VISSIM to model traffic movements. As a dynamic traffic model, this models the flow at each junction, the level of service on each junction, and journey times across the area taking the average from a number of runs to account for variability in vehicle interaction and junction arrival/departure times. The geographical extent of the VISSIM model is from roads leading into junctions on the A361 (at the Marston Road, Blatchbridge, Berkley, Commerce Park roundabouts as well as junctions with Rodden Down/A362 and Feltham Lane) and the A3098 (towards Chapmanslade, Clink Road and Berkley Street). Within Frome, the model includes Marston Road/The Butts to the town centre, as well as Rossiter's Road and Lock Hill to Portway, and Culver Hill through Gorehedge to the town centre as well as a number of roads connecting with these main routes.

10.4.18 In order to prepare the model, the TA has made a number of assumptions regarding trip generation and trip distribution as well as modal split. Based on a range of measures to support sustainable modes of travel (summarised above) the TA identifies a number of targets for modal shift from the 2011 ONS mode split data for Frome. In summary these are:

- Home Working – at least 20% of all residents of SGC to work from home on a regular basis
- Self-Containment of Travel – 22% in the AM peak hour and 15% in the PM peak hour of travel made by residents of SGC to be contained within the scheme
- Travel to work mode shift targets:

Walking	increase from	16% to 20%
Cycling	increase from	2.4% to 10%
Bus	increase from	3.3% to 5%
Rail	increase from	1% to 2.5%
Single Car Occupancy	reduction from	67% to 45%
Car Sharing	increase from	6% to 10%

10.4.19 The modelling considers a number of scenarios examining traffic flows in March 2020 (Base year) and in 2029 without the development (i.e.

background growth only) and with the development (assuming it is fully built out). The use of the March 2020 traffic data (i.e. immediately pre-Covid) rather than March 2019 was challenged by the Council. However, it was demonstrated that the hourly volume of traffic through the majority of junctions was similar for the two datasets and the March 2020 data shows higher traffic volumes over the study area as a whole. Accordingly, it was agreed to use the March 2020 data in the modelling.

- 10.4.20 The TA including the assumptions and inputs on which the modelling has been undertaken has been reviewed by consultants on behalf of the County Roads and Transport team. Following the submission of further information, the methodology for undertaking the traffic impact assessment, the approach to trip generation and distribution and the modelling work to assess the impact of the site on the highway network are considered robust. Additional modelling work has been undertaken in response to comments and a holding recommendation from National Highways in respect of impacts on the strategic road network (A36) and specifically the Beckington and White Row roundabouts.
- 10.4.21 NPPF (para. 115) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The high level modelling shows that with the SGC development there would in total be approximately 1,700 (15%) and 1,450 (12.5%) extra vehicles per hour during the AM and PM peaks (08:00-09:00 and 16:45-17:45) respectively. This would be distributed on a number of routes across the network as a whole including on the A361, the B3092 through Blatchbridge, Marston Road to the centre of Frome, The Butts to Locks Hill, Broadway to Warminster Road and Styles Hill to Berkely Street. This would impact on journey times and speeds throughout the model area with an average increase in delay of 6 seconds or 8%.
- 10.4.22 Further detail is provided on journey times (in each direction) on eight different routes across Frome based on the 'with' and 'without' development scenarios. Longer journey times are forecast on the majority of routes in both the AM and PM peak although the modelling shows a number experiencing a small increase (1-10 seconds) and two experiencing slight decreases. The proposed introduction of a roundabout on the A361 (combined with a proposed reduction of the speed limit on the eastern section of the A361 from 60 to 40 mph) results in an increase in journey times of around 30 seconds eastbound and 1 minute westbound in both the AM and PM peak.
- 10.4.23 A number of other routes show increases in journey times of at least 60 seconds and one (Berkely Street to Styles Hill) showing an additional 2-3 minute journey time west bound in the PM peak. The latter is attributable to a long give-way delay at the Warminster Rd/Styles Hill junction as a result of the increase of the main traffic flow on Warminster Road as well as local road conditions. Other routes showing an increase in journey time of more than 60 seconds are between the A361/B3090 roundabout along Marston Road towards Frome town centre where the introduction of the roundabout

providing access to the site and a proposed change to the speed limit from the A361 from 60mph to 40 mph increases journey time from Frome town centre to the A361 of between 1-2 minutes in both the AM and PM peak (towards the town centre the increase is around 30 seconds). On the B3092 between Blatchbridge and Gorehedge journey times increase by between 1-2 minutes in both directions in both the AM and PM peak. This is as a consequence of the proposed reduction in the speed limit from 60 to 30mph between the existing built up edge of Frome and the Blatchbridge roundabout as well as partial traffic signal control at the A361-B3092 roundabout.

10.4.24 Turning movements through all the proposed new junctions are considered acceptable other than one turning movement on the A361 Frome bypass roundabout access in the PM peak which is approaching capacity. Given that this only affects one turning movement this is not considered to be an unacceptable impact of the development.

10.4.25 An assessment has also been made of capacity at a number of junctions across Frome. The modelling shows the following junctions experiencing small scale capacity issues and, where appropriate, mitigation is proposed to address this:

- Somerset Road/The Butts priority junction right turn – given the short queue length no mitigation is proposed.
- Rossiter's Hill/Locks Hill (Beehive) signal junction – traffic volumes at this junction increase by approximately 20% (200 vehicles) in the AM peak and by 6% (165 vehicles) in the PM peak with queue lengths generally doubling but ranging from an increase of around 1% to 150% depending on the arm. The impact is quantifiable, however it is not considered to be severe and given that the highway boundary is constrained in this area no mitigation is proposed however it is recommended that the County keep the performance of the signals under review and make adjustments if required.
- Rodden Down/Warminster Road priority junction – the greatest level of delay occurs on the right turn out of Warminster Road in the PM peak however the impact is not classified as severe and no mitigation is proposed.

10.4.26 Junctions shown to experience more severe capacity issues (i.e. on a majority of link/turn movements) and, where appropriate, the mitigation proposed to address this are:

- A361/B3092 Blatchbridge roundabout – all links show capacity issues and partial signalisation is proposed.
- A361/B3090 Marston roundabout – the roundabout operates satisfactorily on two out of three arms and flaring of the B3090 arm is proposed as mitigation.
- B3090 Marston Road/Marston Lane/Sandys Hill Lane roundabout – the roundabout operates satisfactorily on three out of four arms however the B3090 southbound arm experiences severe capacity issues with vehicles making a left movement onto Sandys Hill Lane in the PM peak. Scope to improve conditions are constrained by the highway boundary and it is recommended that the performance of the junction is kept under

review with mitigation through measures in the Travel Plan such as vehicular demand management.

- B3090 & A362 Gorehedge Gyrotory and Bath Street mini roundabout – whilst the junctions generally operate satisfactorily, the A362 westbound right turn experiences capacity issues in the AM and PM peak. Traffic signals are proposed at Garsdale/Gorehedge as mitigation although the final measures will be dependent on the solution proposed with the Saxonvale development.
- A362 Portway/Locks Hill Signal junction – the priority junction operates satisfactorily on most approach arms in both peak periods however there are capacity issues on the Locks Hill arm in both peaks. Due to highway constraints no mitigation is proposed and given that capacity issues are not considered to be so severe as to warrant refusal it is recommended that the operation of the signals is kept under review.
- A362 Warminster Road / Styles Hill priority junction the priority junction generally operates satisfactorily in both peak periods with the exception of the Styles Hill arm which experiences a 40 to 60 seconds delay in the PM peak. This is not considered to represent such a severe impact as to warrant a refusal and mitigation in the form of vehicular demand management through the Travel Plan is recommended.
- A362 Rodden Down/A361 Frome bypass priority junction – the junction was generally operating within capacity other than the A362 right turn movement. Accordingly, no mitigation is proposed.
- A361/Clink Road Berkeley Roundabout – this junction experiences severe capacity issues in the PM Peak an average delay per vehicle of over 50 seconds. Signalisation of this junction is proposed as mitigation to achieve an acceptable level of performance.

10.4.27 In summary, the proposed mitigation has been identified as:

Highway interventions

- A361 Blatchbridge Roundabout
- A361 Marston Roundabout
- Gorehedge and Bath Street

Non-highway interventions

- B3090 Marston Road / Marston Lane / Sandys Hill Lane Roundabout
- A362 Warminster Road / Styles Hill Priority Junction
- A362 Rodden Down / A361 Frome Bypass Priority Junction

10.4.28 It is proposed that the level of contribution towards the cost of highway works is based on the average increase in traffic volume (in the AM and PM peaks) attributable to the SGC development as a proportion of the cumulative impact of all Local Plan sites and traffic growth that contribute to the junction's performance. Contributions would be secured through a s.106 legal agreement and are set out in more detail below (Section 14).

10.4.29 As noted above, Local Plan Policy DP9 makes reference to avoiding causing traffic or environmental problems within the wider transport network or generating any requirement for transport improvements which would harm the character or locality. The proposed mitigation works can be contained

within the existing highway boundary and the works (signalisation, limited lane flaring) are limited in scope and scale and it is considered that they will not harm the character of the locality.

10.4.30 Specific concerns have been raised about the A361/A362 junction (where there have been a number of collisions including fatal accidents) and traffic traveling through the wider area including through Chapmanslade to and from Westbury. The traffic modelling work indicates that the number of vehicles turning across the traffic at the A361/A362 junction (i.e. travelling north on the A361 onto the A362 or from the A362 onto the A361) attributable to the SGC development is relatively low compared to total traffic movements on the A361, approximately 60 per hour in the AM and PM peaks turning from the A361 onto the A362. Vehicles turning north from the A362 onto the A361 is approximately 35 per hour. Whilst total vehicles on the A361 will increase as a consequence of the SGC development, concerns around highway safety are largely due to the existing uncontrolled nature of the junction and a current issue rather than attributable to the SGC development.

10.4.31 In addition to traffic from the completed development, there will be construction traffic impacts that will occur over an extended period. Details of construction access to minimise disruption on existing residents and businesses as well as on future residents during the phased build out of the site will need to be submitted for approval as part of a Construction Environmental Management Plan prior to commencement of development.

Highway Impacts: A36

10.4.32 Local Plan Policy DP27 relates to the provision of highway works to maintain the performance of the White Row and Beckington roundabouts on the A36 to support the delivery of the development strategy for Frome. S.106 legal agreements for a number of sites in Frome include contributions towards the cost of the works and whilst the SGC development does not form part of development strategy for Frome, if approved, it would impact on the operation of the strategic road network. National Highways issued a holding recommendation on the application which effectively prevented approval of the planning application until they were satisfied that acceptable, deliverable and funded schemes to mitigate impacts on the operation of the A36 at the Beckington and White Row roundabouts have been agreed.

10.4.33 Additional modelling work has therefore been undertaken by the Applicant to identify mitigation to accommodate traffic from the sites allocated in the Local Plan and the SGC development and maintain the performance of the junctions. In addition to associated works (such as new signage, renewal of high friction surfaces and chevrons, road markings) the main elements comprise:

Stage 1

Lane widening (extended flare in to roundabout)

- Beckington A36 south bound
- Beckington A361 west bound (from Trowbridge)
- White Row A36 north bound

Stage 2 (implementation subject monitoring)

Lane widening (extended merge from roundabout)

- White Row A361 south bound

Partial signalisation

- White Row A36 north bound (in to roundabout)

10.4.34 The Stage 1 works would be implemented in full and be operational prior to the occupation of 400 dwellings or 6,500m² of commercial space at SGC, with implementation of the Stage 2 works dependent on the outcome of the monitoring of queue lengths at the White Row roundabout to identify if and when further works are required to maintain operational performance. Somerset Highways have reviewed the scope of these works and prepared preliminary costings based on other recent projects as well as a programme to deliver the works. At this stage, the overall cost (including fees and contingencies commensurate with the current stage of design) have been estimated by the Council at £4.23m. The cost of the works will be refined as detailed designs are developed and funded by s.106 contributions from other sites (secured under Policy DP27) with the balance met by the SGC development.

10.4.35 The scope of works, costings and delivery mechanism have been discussed and agreed with National Highways. Subject to finalising the detailed wording of planning conditions relating to the Stage 2 works National Highways have advised that they will be in a position to formally withdraw their Holding Recommendation.

10.5 Landscape Impacts

10.5.1 The NPPF (para. 180) states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, recognising the intrinsic character and beauty of the countryside. Local Plan Policies DP1-DP10 aim to protect the area's distinctive character and promoting better development. Local Plan Policy DP1 (Local Identity and Distinctiveness) states that 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. Where a development proposal would adversely affect or result in the loss of features or scenes recognised as being distinctive, the Council will balance the significance of the feature or scene to the locality, the degree of impact the proposal would have upon it and the wider benefits which would arise from the proposal if it were approved.

10.5.2 Local Plan Policy DP4 (Mendip's Landscapes) 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. The Frome Town Design Statement (Q1) refers to the visibility of new development, noting that as Frome lies on the valley sides of the River Frome and climbs onto a ridge and that the views and vistas of the surrounding countryside and within the town of key landmarks and green

spaces are important and should be respected. Accordingly, any development should be considered in relation to its visibility from both within and from outside the town so that it is appropriate to its location and that any development adjoining the development limit or edge of the town should be planned and designed with the local community and key stakeholders to create a sensitive transition between the town and the countryside. The Frome Town Design Statement (Character Area The Mount/Little Keyford) identifies prominent views to the east as a special feature of this area.

- 10.5.3 The site is not within a nationally designated National Landscape area (formerly Area of Outstanding Natural Beauty) nor within or affecting the setting of locally designated Special Landscape Features. However, the site is within the wider setting of the Cranbourne Chase National Landscape (incorporating the International Dark Sky Reserve) approximately 2km to the south east and is visible from Cley Hill (approximately 6km to the east) a Scheduled Monument and Site of Special Scientific Interest (SSSI). To the south of the A361 is Marston House (Grade II*) and Marston Park (adjoining the application site on Bull's Quarries Road) is a Grade II listed Registered Park and Garden. The impact of the proposed development on these heritage assets is considered further below (Section 10.8).

National Landscape

- 10.5.4 Policy DP4 states that proposals in areas adjacent to the AONB (now 'National Landscape') 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. Where the landscapes and landforms of the National Landscape area link and visually or functionally join with the surroundings, which may themselves be of significant landscape value, the setting of the National Landscape is an important contributor to its natural beauty.
- 10.5.5 The boundary of the National Landscape is approximately 2km from the proposed development and the intervening land to the south and east of the A361 is assessed in the Mendip Landscape Character Assessment (2021) as being of 'high' or 'very high' value. The application site is visible from the fringes of the National Landscape which is situated on rising land to the east which forms part of the Penselwood-Longleat Greensand Hills character area in the Cranbourne Chase AONB Landscape Character Assessment (2003). Extensive woodland (including areas of nationally significant ancient woodland), forestry operations and designed parkland are described as providing a unifying feature across the area and form a strong contrast to the open character of adjacent farmed landscapes. The AONB Character Assessment concludes that the landscape condition in this area is 'good' but notes that because of the area's proximity to local towns such as Warminster, Frome and Wincanton there is likely to be further pressure for new built development.
- 10.5.6 The Cranbourne Chase Board has objected to the application on the grounds of impacts on the National Landscape, both on its setting and directly through increased recreational use and impact on the Dark Sky Reserve. The north west edge of the National Landscape area is in an elevated position and

overlooking the application site. However, Frome is already visible in these views, albeit separated by the current agricultural landscape of the SGC site, with built development of the town spread along the ridge and extending down towards the River Frome. The SGC development would extend the built-up edge of Frome. However, the built development of SGC would be contained within the A361 and the landscape buffer of generally open farmland between the boundary of the National Landscape and the SGC site would be maintained. The A361 is fringed by trees and hedges and generally unlit (other than at the Marston and Blatchbridge roundabouts). However, it creates a physical, audible and from some locations visible barrier between the boundary of the National Landscape and the proposed development.

- 10.5.7 The Landscape Character Assessment for the former AONB was prepared over 20 years ago. However, the immediate setting of the National Landscape around Tytherington including Marston Park and further east towards Longleat is largely unchanged and would remain so were the SGC development approved. Accordingly, whilst the southern edge of Frome and extent of built development would move marginally closer to the boundary of the National Landscape, it is considered that given the intervening landscape buffer, the proposed development would not harm the physical integrity and special features of the National Landscape nor compromise its setting or the reasons why the area was designated in the first instance. In addition, the A361 provides a clear and defensible boundary containing the development.
- 10.5.8 The Board has also noted the status of the National Landscape as an International Dark Sky Reserve and raised concerns regarding sky glow from external lighting as well as from buildings. They recommend a lighting strategy be developed based on Environmental Lighting Zone E1 (categorised by Institution of Lighting Professionals as 'intrinsically dark' - Dark Sky Reserves are Zone E0). They also recommend that in the detailed design rooflights should be avoided given the potential for upward light pollution.
- 10.5.9 Local Plan Policy DP8 (Environmental Protection) states that development proposals, particularly those in a rural setting and especially those in designated AONBs, should make all reasonable efforts to minimise light pollution impacts. In the Mendip Landscape Character Area Assessment, the application site is identified as already being affected by lights from Frome, whereas land to the south of the A361 and beyond is increasingly dark. Given that the existing SGC site area is not currently illuminated (other than the occasional house lights) it will introduce artificial lighting from houses and roads closer to the Dark Sky Reserve. The site will be visible from within the National Landscape including locations such as Cley Hill which offers 360-degree views of the surrounding area from an elevated position. However, at a distance of approximately 6km from Cley Hill the SGC site would be seen as an extension of the existing built area of Frome and set within the wider landscape of the surrounding hills which will remain undeveloped. Given that the site is not within the National Landscape area the Applicant is proposing that Zone E2 (low lighting typical of relatively dark outer suburban locations in rural surroundings) applies to the majority of the site, with Zone E3 (medium lighting typical of small town centres and

suburban locations) in the central/community hub area. Street lighting along the main transport routes would be specified to have 0% Upward Light Ratio, appropriate for Zone E1 zone.

- 10.5.10 The SGC development would introduce new light sources when viewed from within the Reserve. However, this impact would be in the context of the existing uncontrolled sky glow from Frome. The Dark Sky Reserve also covers an extensive area that already experiences some reduction in the quality of darkness as a consequence of existing built up areas including those located close to its fringes such as Warminster and, at a greater distance, Frome. Given this context, the proposal to limit lighting levels across the majority of the SGC development to Zone E2 (typical of outer suburban locations in rural surroundings) is considered to be an acceptable approach and that the development will not significantly impact on the quality of darkness experienced within the wider Dark Sky Reserve.

Local Landscape

- 10.5.11 Policy DP4 states that, outside 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. In the Mendip Landscape Character Area Assessment, the application site is within Area B2.5, Little Keyford and Blatchbridge. The assessment identifies key characteristics of each area and assesses landscape value based on landscape quality (condition), scenic quality, rarity, representativeness, conservation interests, recreational value, perceptual aspects and associations. The assessment notes key views out of and across the area such as towards the Greensand Ridge, Cley Hill and Alfred's Tower and the Frome Design Statement also notes these prominent views to the east.
- 10.5.12 Whilst there is land allocated for development in LPP2 to the south and east of the existing built edge of Frome, the Landscape Character Area Assessment describes the southern fringe of Frome as feeling relatively secluded and that, away from the new housing developments, it has the sense of being an area of intact countryside. However, the assessment also notes the area is 'sandwiched' between the existing built area of Frome and the A361 bypass and categorises the value of the landscape as 'low'.
- 10.5.13 Notwithstanding this assessment, as open countryside and an agricultural landscape on the edge of Frome, the site has local value as an area of open countryside accessible to existing residents for walking and general enjoyment.
- 10.5.14 In terms of the loss of agricultural land, the majority of the site has been assessed by the Ministry of Agriculture, Fisheries and Food (now part of the Department for Environment, Food and Rural Affairs) as Grade 4 (i.e. Poor) with small areas of Grade 3a (Good) and 3b (Moderate). It is therefore not classified as not 'best and most versatile' and the loss of this agricultural land is not in itself considered to be a reason to refuse planning permission. However, the SGC proposals would result in a total change in landscape

character across the entire site which will either be built upon or within close proximity of new roads and buildings.

- 10.5.15 Landscape impacts are reported in the ES (Chapter 6: Landscape and Visual Impact) based on 27 different viewpoints covering locations within and adjoining the site, including middle and longer distance views. These 'receptors' range from high to low sensitivity with the assessment of the magnitude of change and significance of effects based on the post mitigation scenario i.e. with proposed green infrastructure and landscaping. Receptors within the site that will be incorporated within the development are of high sensitivity with the magnitude of change on them generally assessed as 'major' and the significance of effects on them generally assessed as 'major adverse'. Receptors located on or near the site boundary are assessed as being of 'medium' and 'high' sensitivity with the magnitude of change being 'moderate' and the significance of effects as 'moderate adverse'. Middle and longer distance views include a number of receptors of 'high' sensitivity including heritage assets such as Marston House and from within and the fringes of the AONB as well as Cley Hill. However, given their distance from the site, intervening features and wider context of the existing built up area of Frome the magnitude of change is assessed as 'minor' or 'negligible' and the significance of effects as 'minor adverse' to 'negligible'.
- 10.5.16 The ES has been reviewed by the Council's Landscape adviser and amendments made to the Parameter Plans in response to comments from them. This includes adjustments to building heights and development parcels close to the edge of the site as well as maintaining existing vistas in key locations such as on Little Keyford Lane. They advise that receptor locations are representative, though not necessarily exhaustive, noting also that the visual experience is not one of a series of static snapshots but is fluid and panoramic. Given the scale and scope of the change to the existing agricultural landscape it is inevitable that the development will cause significant effects on all close-range receptors within or immediately adjacent to the application boundary, including residential properties and users of PROW's and the local lane network within the site. They assess the significance of effects on all receptors within the site to be 'major adverse' (including those assessed in the ES as 'moderate adverse'), that from locations on or near the site boundary the effects will generally be 'moderate adverse' and that these effects cannot be fully mitigated. They generally concur with the assessment in the ES that the significance of effects in medium and longer distance views will be 'minor' to 'negligible'.
- 10.5.17 Within the site the proposed development will result in the loss of the existing open countryside and agricultural landscape. However, given the existing landscape character and quality it is considered that if the totality of the measures specified on the Green Infrastructure Parameter Plan are implemented in full and the green infrastructure is properly managed appropriately funded on an ongoing basis these major to moderate adverse effects are not in themselves considered to be a reason for refusal of planning permission.

- 10.5.18 The existing landscape includes features such as trees, hedgerows and ditches that will be impacted by the proposed development. The Green Infrastructure Parameter Plan identifies veteran and other significant trees for retention and demonstrates that a number of the green spaces align with existing hedgerows. However, without appropriate controls the proposed development could result in their loss and as the detailed layout has yet to be progressed it is important that reserved matters are led by the existing landscape and green infrastructure rather than a pre-determined layout.
- 10.5.19 This approach is captured in the DPF (Design Principle 8) which states that “Unless otherwise approved by the LPA, all trees and hedges within the application site are to be retained.” The DPF also states that where removal is absolutely necessary, demonstrated as such and is agreed by the local planning authority, new hedging is to be replaced at with details of location, species, dimensions of new planting also to be agreed. Therefore whilst there would inevitably be some loss of existing hedgerows, for example to provide new access points into the site and the route of the main spine road, it is considered that appropriate controls are in place to ensure that at the reserved matters stage the design and layout of individual parcels starts from a position of retention and incorporation of existing hedging and trees. To reinforce this it is proposed that a plan recording existing trees and hedges is identified as the starting point for reserved matters applications.

10.6 Placemaking and Design Quality

- 10.6.1 The NPPF (Chapter 12) places an emphasis on creating high quality, beautiful and sustainable buildings and places and recommends the preparation of design guides and codes consistent with the principles set out in National Design Guide and National Model Design Code and which reflect local character and design preferences. Whilst the SGC site is not allocated for development in the Local Plan, in respect of the planned supply of large numbers of new homes, the NPPF (para. 74) states that consideration should be given to setting clear expectations for the quality of the places to be created and how this can be maintained and to ensuring that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community. Local Plan Policy DP7 (Design and Amenity of New Development) supports high quality design which results in usable, durable, adaptable, sustainable and attractive places and sets out a number of requirements against which proposals for new development will be assessed.
- 10.6.2 As an outline application with all matters reserved and with no details of the design of individual buildings or spaces, the Applicant has prepared a National Design Compliance Statement which notes the design process that has been undertaken in preparing the application including presentations on a number of occasions to the Design West Review Panel at the pre-application stage. It also considers the proposals against the ten characteristics of well-designed places set out in the National Design Guide.
- 10.6.3 To provide further guidance and embed principles of good design in the development, the Applicant has also prepared a Design Principles

Framework Document that sets out a range of design principles for development within different character areas across the site. The DPF is based on an analysis of the existing character of different parts of Frome to identify those features of its layout, scale, form, parking, detailed design and materials that contribute to its distinctiveness. These principles and design guidance would be worked up in further detail in the form of Design Codes to be submitted to and approved by the Council prior to the submission of reserved matters applications which would need to conform to the detailed Codes.

- 10.6.4 It is considered that the DPF is based on a thorough analysis of the distinct character of different parts of Frome and provides a sound basis on which to develop the Design Codes and detailed proposals for the site. A condition is proposed requiring submission and approval of Design Codes with each reserved matters application.

'Garden Village' Principles

- 10.6.5 In supporting documents to the application, the proposals are described as based on 'garden village' principles. The Town and Country Planning Association (TCPA) *'Understanding Garden Villages an Introductory Guide'* (2018), defines garden villages as "...a new community that is designed, delivered and managed in accordance with the garden city principles, but tailored for a smaller scale than new garden cities" that may be developed within existing settlements or as a sustainable urban extension. The Guide identifies a number of 'garden city principles' covering such matters as organisational and management arrangements; achieving a well designed, sustainable and affordable mix of uses in walkable, vibrant, sociable neighbourhoods; and green infrastructure and biodiversity gains together with zero-carbon and energy positive technology to ensure climate resilience; strong cultural, recreational and shopping facilities.
- 10.6.6 Reference is also made to the Government's *'Garden Communities Prospectus'* (2018) which invited bids for new 'garden communities', defined as 1,500 to 10,000 new homes either as a discrete new settlement or 'transformational development' of an existing settlement. It should be noted however that the Applicant did not submit the SGC proposals for consideration as a designated 'garden community' and the site is not identified for development under that programme.
- 10.6.7 The proposed SGC development incorporates a number of features and characteristics of a 'garden village' such as mixed-tenure homes and a range of recreational and shopping facilities, close proximity to job opportunities, a comprehensive green infrastructure network, opportunities to grow food, and an integrated and accessible movement strategy that promotes walking, cycling and other non-car modes of transport. There are also mechanisms to deliver well designed homes incorporating low/zero-carbon technologies. These features and characteristics are embedded in the Parameter Plans and associated DPF and there is the potential for long-term community stewardship of the open space within the development that could be secured through conditions and planning obligations.

10.6.8 The TCPA guide also refers to land value capture for the benefit of the community as well as mechanisms for ongoing leadership to ensure the delivery of the overall vision for the development. Whilst these do not explicitly form part of the SGC proposals it is considered that the DPF provides a sound basis for securing the original vision. In combination with mechanisms through the development management process (including approval of Design Codes) there is a robust mechanism to ensure the strategic vision for the site will be delivered. It is considered that the application includes a number of positive placemaking principles and whilst arguably these should be an integral part of any medium to large-scale development that accords with national and local planning policies, the SGC development has explicitly incorporated them into the DPF. This weighs in favour of the development.

Green Infrastructure

10.6.9 Local Plan Policy DP16 (Open Space and Green Infrastructure) states that all new residential development will make a contribution towards the provision of new open space, including accessible natural greenspace, to meet the needs of the growing population. Where appropriate, this will be on-site with appropriate long term management arrangements.

10.6.10 The application includes significant areas of greenspace and green infrastructure across the site. This includes a large area of recreational open space towards the centre of the site as well as areas of natural and semi natural green space with play areas, sports pitch and multi-use games areas, landscape buffers around the edge of the site, allotments and community orchards as well as areas for sustainable urban drainage. The green infrastructure also includes Little Keyford Lane and Paddles Lane which it is proposed become 'greenways' (whilst maintaining access to retained residential properties).

10.6.11 Applying the standards for different types of formal and informal outdoor space set out in the Fields in Trust's 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' (November 2020), for the projected population the proposals the standard would require around 12.5 hectares of parks and gardens, amenity green space and natural and semi-natural open space. The development proposes around 28 hectares. In terms of equipped and designated areas of play and multi-use games areas, the proposed development would meet the requirement (total approximately 2 hectares). There would however be a shortfall of formal playing pitches and outdoor sports provision on site.

10.6.12 The Mendip Open Space Study (2012) is some 12 years old. However, it identifies an overall deficit in the adjoining Keyford Ward of designated play space, informal play space and playing fields/pitches. Whilst not all open space within the development will necessarily be suitable for recreational purposes, provision would be significantly above the standard set out in the guidance and available for residents of the development as well as existing residents of Frome. These areas are identified on the Parameter Plans with further guidance provided in the DPF. Details of their layout will come forward in reserved matters applications and issues such as access to and

maintenance and management of these spaces (including funding) would be secured through conditions and/or planning obligations.

- 10.6.13 The original proposals for the site included three sports pitches adjacent to the River Frome including an all weather pitch. However parts of the land identified for the pitches are within Flood Zone 3 (i.e. have a high probability of flooding). In order to ensure that the playing pitches would not result in the displacement of floodwater, it was not proposed to raise levels within this part of the site and therefore they may become flooded. Sport England raised concerns regarding the location and useability of these pitches as well as their layout, recommending a more consolidated proposal with associated ancillary facilities. They concluded that they could not support the application as originally submitted and objected on the basis it was unclear whether the objective to provide new opportunities to meet the needs of current and future generations would be met. Subsequent discussions with Sport England have identified alternative off-site facilities that could be improved, mitigating the demand for recreational facilities that will arise from the SGC development as well as serve the wider Frome community. These comprise improvements to pitch facilities at Frome RFC and Frome Town United Football Academy. Sport England have confirmed these will provide the same benefit in respect of pitch provision as the all weather pitch and grass pitches that would no longer to be provided within the SGC development. Funding for these works would be provided by SGC and secured through a s.106 legal agreement.
- 10.6.14 The Cranborne Chase Board have raised the issue of additional recreational pressure being placed on the National Landscape area by residents from the SGC development. They propose a contribution to mitigate any impacts although no specific works have been identified or quantified. There is clearly the potential for residents of SGC to visit the National Landscape area. However, it covers a wide area (around 980 sqkm) and has an existing population living close by (over 600,000 within a 30-minute drive) as well as there being existing visitors to local destinations such as Longleat and Center Parcs. In the circumstances it is considered that the impact on the natural landscape and its special qualities of a proportion of residents from the SGC development visiting the area would not be significant. Accordingly, no contribution from the SGC development is proposed.

10.7 Ecology and Biodiversity

- 10.7.1 Local Plan Policy BP5 (Biodiversity and Ecological Networks) states that development proposals must ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species. Proposals with the potential to cause adverse impacts on protected and/or priority sites, species or habitats are unlikely to be sustainable and will be resisted with exceptions made will only where the impacts cannot be reasonably avoided; offsetting/compensation for the impacts can be secured; or other considerations of public interest clearly outweigh the impacts. Local Plan Policy DP6 (Bat Protection) requires that all applications within the 'Bat Consultation Zone' will require a HRA to consider whether the proposed development is likely to have significant effects on that site and where the potential for likely significant

effects cannot be excluded an appropriate assessment of the implications of the proposed development in view the site's conservation objectives.

- 10.7.2 A number of objections have been made to the application on the grounds of the impact on local habitats and biodiversity across the site, citing the removal of hedgerows and trees as well as replacement of the existing agricultural landscape. In addition, risks to the River Frome in terms of discharge from the site are identified. The latter are addressed in Section 10.9 below.
- 10.7.3 The application site does not include any statutorily designated sites of ecological importance however the site is within the Consultation Zone for the Mells Valley Special Area of Conservation (SAC). In addition Vinney Lane Local Wildlife Site (a non-statutory site) lies within the application site. There are also significant trees across the site (including a number identified as 'veteran') as well as small areas of woodland and groups of trees and a number of well-established hedgerows forming field boundaries that provide habitats for birds and other species.
- 10.7.4 The ES (Chapter 7: Ecology & Nature Conservation) includes the findings of an Extended Phase 1 Habitat Survey to identify evidence of and habitats within the site and locally that would be suitable for Hazel Dormice, badgers common reptile species (common lizard slow-worm, grass snake and adder) and Great Crested newts. Fieldwork was undertaken between 2019 and 2021 and surveys also conducted across the site to record bird populations including along the River Frome. The river was also surveyed for signs of otter and water vole.
- 10.7.5 No evidence of hazel dormice was found, and two badger setts did not have obvious signs of recent occupation suggesting an outlier sett being used on an occasional basis. No ponds are located within the application site and given the suitability of ponds in the vicinity of the site for breeding and barriers to amphibian dispersal, the likelihood of encountering Great Crested Newts within the application site was judged to be very low. Small populations of Slow-worm were found within parts of the application site as well as a small population of Grass Snake utilising the various wet ditches, hedgerows and the River Frome. Whilst no evidence of otter or water vole were found, both are known to be present along stretches of the River Frome. Many of the hedgerows, in particular those supporting more dense structures and more mature trees, and the River Frome were identified as providing good foraging and nesting habitat for a variety of songbirds and the fields also provide open foraging habitat. Some of the buildings and open-sided farm buildings also provide nesting opportunities for birds. The survey of birds recorded a wide range of species including a number on the RSPB Red List and priority species on the UK Biodiversity Action Plan (House Sparrow, Linnet, Song Thrush and Bullfinch) however there were no sightings or evidence of Kingfisher.
- 10.7.6 A separate survey assessed the suitability of habitats in the wider landscape for foraging and commuting bats, flight-lines across the application site and potential links to the nearby Mells Valley SAC. A number of farm buildings

were subject to a series of bat activity surveys involving dusk emergence and dawn re-entry visits. Trees likely to be affected by the proposed development were subject to assessment for their potential to support roosting and/or hibernating bats. The surveys recorded the presence of a number of bat species across the site including Greater Horseshoe bats.

- 10.7.7 In the absence of appropriate protection measures during construction, there could be damage to habitats through encroachment, dust deposition and runoff. Construction, including activities requiring lighting, would also impact on foraging and commuting areas for local bat populations. In mitigation, the retention of hedgerows and trees as part of the green infrastructure as well as the phased loss and replacement habitat (including new areas of habitat on the south side of the A361) will maintain habitat areas as development phases come forward. As a consequence, any adverse impacts on foraging and commuting bats during the construction phase are assessed to be of minor significance.
- 10.7.8 Measures to mitigate impacts on retained habitats during construction will be controlled through a Construction Environmental Management Plan with species-specific method statements setting out appropriate working practices and methodologies. It is also proposed that a Landscape and Ecological Management Plan ('LEMP') including a Green Infrastructure Implementation and Delivery Plan is submitted and agreed. This will be prepared to manage habitat loss, limit disturbance to wildlife, secure ecological enhancements and maximise biodiversity gains as well as safeguard retained and newly created habitats and their ongoing management.
- 10.7.9 The proposed development would result in the permanent loss of a proportion of the agricultural landscape and semi-improved grassland habitat across the site (with part retained/enhanced as part of the green infrastructure and open space areas) and a proportion of the ditches across the site would be lost or modified as part of the new drainage strategy. The proposed development will also involve some loss of hedges and trees as a consequence of the construction of the internal road network as well as development of individual plots and parcels of land.
- 10.7.10 On completion, Vinney Lane Local Wildlife Site will be retained in full and integrated within the wider green infrastructure, with a minimum 15m buffer provided along its length. Ecological enhancements including planting and improved habitat for wildlife are also proposed within the River Frome corridor. The wider development includes a network of green infrastructure incorporating 'bat corridors' together with larger areas of open/green space which form part of a Bat Mitigation Strategy. This has been developed with Natural England to provide suitable habitat and conditions for horseshoe bat populations in particular Greater Horseshoe bats. In addition to retained trees and hedgerows, the green infrastructure includes species-rich neutral grassland, broadleaved plantation woodland, broadleaved parkland and un-intensively managed orchards providing a net gain in habitat area across the site. Details of the lighting scheme to accord with specified lighting zonation parameters would be specified at reserved matters stage.

- 10.7.11 Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) introduced a requirement that most types of development deliver a biodiversity net gain (BNG) of 10%. This applied to major development from 12 February 2024 and therefore the SGC application was submitted before the mandatory BNG requirement came in to force. Notwithstanding the date of submission of the application, the Applicant undertook an assessment of BNG using the DEFRA biodiversity metric calculator based on an indicative layout of the site shown in the Illustrative Masterplan. The BNG assessment indicates an overall net gain in habitat units of +10.6%, hedgerow units of +47.6% and watercourse units of +29.0%. The habitat net gain reflects the extent and quality of the proposed species rich grassland areas as part of the development compared to the generally low distinctiveness, condition and significance of the land currently under agricultural use. The watercourse net gain is attributable to enhancements of the habitat although the baseline is relatively low so the percentage improvement is more marked. The assessment includes assumptions about hedge removal and replacement (proposed at 1.5m replacement for 1m loss) as well as enhancement of the retained hedgerows.
- 10.7.12 As noted above, the BNG calculation for the SGC development is based on an indicative layout with various assumptions made about retained, lost and enhanced habitats. Given that a detailed layout of the site has yet to be submitted for consideration, and for example the DPF states that all trees and hedges within the application site are to be retained unless otherwise approved by the local planning authority, the final BNG calculation will inevitably change. Accordingly, a condition is proposed requiring submission and approval of an updated BNG calculation on a phase-by phase basis together with a delivery and monitoring plan to reflect the specifics of the development as it progresses.
- 10.7.13 The proposals, including potential impacts on protected and other species as well as proposed mitigation and a Shadow Habitats Regulation Assessment (sHRA) submitted with the application have been reviewed by Somerset Ecology Service (SES) and Natural England. SES have advised that the sHRA fulfils the requirements as delineated under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and recommend that, subject to planning obligations and conditions, the Council (as the competent authority) adopts the sHRA. Natural England have also been consulted and raise no objection.

10.8 Heritage

- 10.8.1 The NPPF (para. 205-208) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 10.8.2 Local Plan Policy DP3 (Heritage Conservation) states that proposals affecting a heritage asset, whether statutorily or locally designated, will be required to demonstrate an understanding of the significance of the heritage asset and/or its setting and justify any harm to the asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting.
- 10.8.3 Also relevant is Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a general statutory duty on local planning authorities when considering whether to grant planning permission for development which affects a Listed Building or its setting, 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.
- 10.8.4 The impact of the proposed development on heritage assets is reported in Chapter 12 of the ES. The assessment includes a desktop assessment of published sources as well as site inspection based on a 1km study area in relation to archaeological and historic landscape data and a wider 3km study area for designated sites and local heritage designations, scheduled monuments and areas. The assessment also included impacts on Cley Hill scheduled monument located beyond the 3km study area.
- 10.8.5 There are no listed buildings within the application site. However, there are a number close to the site's boundaries including the Grade II Keyford House and Conservatory (including boundary wall gates and gate piers that front onto Little Keyford Lane), and Grade II 8-9 and 11-11a Little Keyford Lane immediately to the west of the site as well as the locally listed Keyford Farm. The Cross Keys Inn at Blatchbridge is listed Grade II. The Grade II* Marston House and associated Grade II Registered Park and Garden are located approximately 1km to the south.
- 10.8.6 Historic England have raised concerns about the methodology of the submitted Heritage Impact Assessment and the impact of the development on the setting of heritage assets including those adjacent to or in close proximity to the site (such as the listed Keyford House and Marston House and Park). They also raise concerns about the impact on scheduled monuments in the wider landscape such as Hales Castle, Roddenbury Hill and Cley Hill Camp and Fort where views to and from these locations contributes to their significance. It is relevant to note that Historic England's comments related to the original submission which included employment space on land to the south of the A361 and up to Bulls Quarries Lane.
- 10.8.7 Marston House is located approximately 1km from the SGC site at its closest point and is at a similar elevation to the upper part of the SGC site. Marston Park, which forms an integral part of the setting for Marston House as well as being a designated heritage asset, itself slopes down towards Tytherington and the River Frome beyond and extends north to Bulls Quarries Lane. Whilst Marston House itself has its main elevation facing south east, given its elevation there will be views towards the SGC site, albeit generally glimpsed views through trees within the Park and the heritage

asset includes the Marston Park and its setting. The existing industrial estate at the junction of the A361 and Bulls Quarries Road (located within the boundary of Marston Park) also provides a physical barrier between Marston House and the SGC site.

- 10.8.8 The removal of the proposed employment land on the south side of A361 and planting of this land as part of the wider landscape proposals for the SGC development and proposed bat mitigation strategy will maintain the immediate undeveloped setting for Marston Park. The A361 is also bounded on both sides by established hedgerows and trees that limit intervisibility between the House and Park and the application site. Whilst the SGC development will bring built development closer to Marston House and Park, in the light of amendments to the application and the intervening landscape it is considered that impact on the setting of the House and Park and the features that contribute to the significance of these heritage assets is less than substantial and at the middle to lower end of the scale.
- 10.8.9 Closer to the site is Keyford House (with its conservatory, boundary wall, gates and gate piers) and 8-9 and 11-11a Little Keyford Lane. Keyford House is set back from Little Keyford Lane with trees within the gardens of the house and along the southern boundary screening views between the house and the SGC site. However, the house is in an elevated position and from Little Keyford Lane and Sandys Hill Lane to the south there are clear and open views across the existing agricultural landscape towards Cranborne Chase National Landscape area and Cley Hill. Although no works are proposed to Little Keyford Lane adjacent to the heritage assets and the existing hedge on the south east side of Little Keyford Lane is to be retained, the SGC development will change the wider setting of the heritage asset.
- 10.8.10 The boundary wall of the property on Little Keyford Lane is a prominent feature on the lane. The proposed new access into the site off Little Keyford Lane is located approximately 180m to the east of the entrance to Keyford House and does not directly affect the heritage asset or its immediate setting. However, although the existing mature hedgerow on the south side of Little Keyford Lane is to be retained, with the new access road at a lower level beyond and separated by a landscape buffer, this will involve major engineering works within the wider setting of this heritage asset. Built development within the SGC site immediately to the south and east of Little Keyford Lane would be limited to two storeys with green wedges connecting through to Little Keyford Lane, although not on the alignment of Sandys Hill Lane, and would be visible. It is considered that overall the impact on the setting of the listed building would be less than substantial and given the location and context for the new site access the harm to the setting of the gates and boundary wall would be at the middle to lower end of less than substantial.
- 10.8.11 The proposed development north of Little Keyford Lane, an allocated site (FR7) in LPP2 is to be served via a new access from Little Keyford Lane with access to 8-9 and 11-11a Little Keyford Lane being retained as existing. The Local Plan sets out guidance on the layout of FR7 as well as the design and materials for the new houses and it is considered that this provides

appropriate safeguards to mitigate the impact of development on the setting of the listed buildings. Accordingly, any harm to the setting of the listed properties is considered to be at the lower end of less than substantial. In the case of the Cross Keys Inn at Blatchbridge, the proposed new site access to the employment land would be opposite the pub and therefore impact on its setting. Whilst there would be a realignment of the road and change in priority at the new junction the B3092 which separates the pub and the new site access is already a prominent feature and it is considered any harm to the setting of the listed property is at the lower end of less than substantial.

- 10.8.12 There are no scheduled monuments within the application site. However, the Somerset Historic Environment Record provides information from archaeological excavations outside but in the vicinity of the application site. This includes evidence of ditches on land to the west of Little Keyford Lane (thought to be Neolithic or Bronze Age) and on land to the north of the site (prehistoric, date uncertain). The ES assesses the potential for evidence of activity dating to the prehistoric period within the application site as minor to moderate and for the Romano-British period as moderate. The site of a deserted medieval village south west of Tytherington (a scheduled monument) is located approximately 1km to the south of the application site and land bounded by Little Keyford Lane and Vinney Lane has been identified as a historic deer park although the ES suggests there is limited evidence in support of this. The ES assesses the potential for evidence of medieval activity within the boundaries of the site as low to moderate. Evidence of post-medieval activity in the vicinity of the site includes records of mills along the River Frome such as at Blatchbridge and Feltham Bridge as well as the wider agricultural landscape and farm associated buildings.
- 10.8.13 The ES notes that if archaeological sites and features are present on the site, construction of the development could result in damage to, and removal of, those features. This would be irreversible and accordingly if archaeological features are present there is the potential for a potential major adverse impact. The Council's Archaeological adviser has reviewed the ES and associated information and raises no objection to the application. However, given the potential for archaeological remains within the application site they recommend that a condition be imposed requiring investigation and evaluation of the site, and mitigation to ensure that any archaeology present is fully recorded.
- 10.8.14 The scheduled monuments at Cley Hill, Hales Castle and Roddenbury Hill and are at some distance from the site. By virtue of its distinctive form and elevation and the low and open land around it Cley Hill Camp and Fort is a prominent feature in the landscape, visible from the upper parts of the application site (including Marston Road, Little Keyford Lane and Paddles Lane) and vice versa. However, as noted above (section 10.5) given the distance from the site, intervening features and the existing built up area of Frome that is evident on the ridge line and extending down towards the River Frome, it is considered that the harm to the significance of this heritage asset and its setting is at the lower end of less than substantial. In the case of Hales Castle Roddenbury Hill intervisibility with the application site is more limited and the impact is also at the lower end of less than substantial.

- 10.8.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council with respect to any buildings or other land in a conservation area to pay special attention to the preservation or enhancement of the character or appearance of the conservation area. In this case, the southern extent of the Frome Conservation Area (Character Area 10: Keyford) lies approximately 450m to the north of the application site and therefore s.72 does not apply. Nonetheless, since conservation areas are designated heritage assets, guidance in the NPPF and Local Plan policy is relevant. In respect of the Frome Conservation Area, given local topography (with the conservation area located beyond the crest of Culverhill to the north of the application site), intervening development to the south of the conservation boundary and lack of intervisibility with the SGC development it is considered that the impact on the Frome Conservation Area will be neutral and that its character and appearance will be preserved.
- 10.8.16 In accordance with the NPPF (para. 208) the public benefits of the proposed development have been weighed against the less than substantial harm to the heritage assets. Public benefits of the development include the provision of new homes (including affordable) to meet an identified housing as well as the provision of employment space and social infrastructure within the development. The creation of public open space and green infrastructure within the site are additional public benefits and it is considered that together they outweigh the limited harm to the setting of the designated heritage assets.

10.9 Flood Risk, Surface Water Drainage and Foul Water Drainage

- 10.9.1 Local Plan Policy DP23 (Managing Flood Risk) states that development will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. In addition, all development will be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere including the use of sustainable urban drainage systems (SUDS). The Mendip Level 1 Strategic Flood Risk Assessment (March 2020) reports flooding events along the River Frome at Frome as well as incidents of sewer flooding in Frome and a risk of fluvial flooding in Frome from the River Frome, Mells Stream and Rodden Brook. Within the application site (and land adjacent) Environment Agency historic flood maps indicate that the extent of fluvial flooding from the River Frome coincides with the Flood Zone 2 and 3 extent.

Flood Risk and Surface Water Drainage

- 10.9.2 A Flood Risk Assessment has been submitted with the application and Chapter 8 of the ES assesses the potential hydrology and flood risk related environmental effects of the proposed development.
- 10.9.3 The majority of the site is with Flood Zone 1 (i.e. low risk of flooding) however that part of the site adjoining the River Frome is in Flood Zones 2 and 3 (i.e. medium and high risk). The NPPF (para. 168) states that to avoid flood risk to people and property where possible new development should be steered to areas with the lowest risk of flooding from any source. Development

should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Adopting the sequential approach, built development has been located within Flood Zone 1. The proposal is therefore in accordance with the NPPF and PPG. A sports pitch encroaches into Flood Zone 2 and 3. However, as a water compatible use, its location within this area is acceptable. In addition, the NPPF states that opportunities to reduce the causes and impacts of flooding should be adopted and that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Land that is required or likely to be required for current or future flood management should be safeguarded from development.

- 10.9.4 The Environment Agency advise that, providing the requirements of the sequential test in the NPPF are met and subject to conditions (to prevent pollution during construction and approval of a remediation strategy if contamination is found on site) and informatives, they have no objection to the proposed development. They also state that there should be no increase in existing ground levels or landscaping within Flood Zones 3 and 2 and that any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Frome will require an Environmental Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010. This advice is relevant to the proposals for sports pitches that encroached into Zones 3 and 2 as well as the proposal to provide a footbridge over the River Frome (linking the proposed 'community hub' to open space and the employment space on the south side of the river). It is not proposed to raise the level of the sports pitch. However, the Applicant will need to apply for a permit for the bridge. This is acknowledged in the application and would be covered by an Informative should planning permission be granted for the development.
- 10.9.5 There are two springs and multiple surface water flow paths through the site, generally associated with local stream/ditches within the site resulting in areas at high, medium and low risk of surface water flooding. There is currently limited drainage infrastructure within the site and within and adjacent to the site Vinney Lane and Vinney Bridge flood on a regular basis during heavy rainfall, with flooding also near the Cross Keys Pub on the B3092 (resulting in the B3092 being closed) and occasionally between Little Keyford Lane and the B3092.
- 10.9.6 In the Mendip Flood Risk Management Programme, the SGC site lies within the Tytherington sub catchment area and the majority of the site is identified as a high risk area for surface water runoff. The Council as Lead Local Flood Authority (LLFA) has reviewed the proposed surface water drainage strategy and recommended that, where possible, surface water flow paths should be retained in existing ditches on the site and specifically where these are more natural rather than more recent linear ditches created as part of the farming of the land. In this respect, mapping of the existing watercourses and areas of fluvial and surface water flooding has informed the masterplanning of the site with the pathways of the existing streams and ditches generally being retained and incorporated into the proposed green infrastructure.

- 10.9.7 The land to the north of the River Frome is identified in the Mendip Flood Risk Management Programme as a potential area for natural flood management to attenuate surface water runoff through measures such as ditch blocking, attenuation ponds and tree planting as well as improving road drainage along Little Keyford Lane and Vinney Lane. The land on the south side of the River Frome (up to the railway line) is identified as an area with potential for working with natural processes to establish reconnection between a watercourse and its natural floodplain with a broad swathe of tree planting including to the south of the A361 and north of the B3092.
- 10.9.8 The proposed scope of works within the application site includes various measures to control surface water flooding including the creation of two wetland areas and riparian corridors between development parcels to contain surface water flow paths; localised land raising and bunds; and the removal of minor ditches and removal of culverts to restore watercourses to a more natural state. Source control measures within development parcels such as permeable paving and green roofs and local conveyance controls such as swales, rills and filter drains to store and convey water through the development areas could also contribute to managing run-off. The area of land to the south of the A361 which is to be retained as natural habitat with no built development would not incorporate works to control flow paths.
- 10.9.9 Modelling of the proposed interventions indicate that the cascading wetlands in the northern and central part of the site would contain surface water floodwater generated from these areas and that two riparian corridors successfully contain flow paths from off site up to and including the 1 in 1000 year event. Modelling also indicates that the incorporation of SUDS into the proposed development and proposed watercourse improvements will slow the conveyance of water through the site and contribute to a reduction in flooding downstream.
- 10.9.10 LLFA advice is that using the 1000-year event as a baseline the applicant has demonstrated that surface water and ordinary watercourse flooding will be managed within controlled routes. Accordingly, they raise no objection to the current application but note that at the next planning stage an updated hydraulic model with 45% climate change is required with calculations for the entire range of storm events with discharge restricted to the relevant greenfield rate. Pre-commencement conditions are recommended to secure this.

Foul Water Drainage

- 10.9.11 The proposal is that, other than a small area of the northern part of the site (that would connect to the existing public sewer on Marston Road), foul water from the majority of the site will be pumped to the existing Wessex Water facility at Inox Hill. This will be from an on site pumping station, with emergency storage capacity, proposed to be located in the vicinity of Vinney Lane and which will also receive foul water from the employment site to the south.
- 10.9.12 Wessex have raised no objection to the proposed development or the foul water drainage strategy however concerns have been raised in a number of

comments, including by Friends of the River Frome, regarding foul water capacity and the problem of stormwater overflows into the River Frome. Whilst there are existing conditions across a number of water companies that need addressing and are acknowledged by Wessex Water, if the SGC development is approved there would need to be agreement between the developer and Wessex Water to agree build rates and timings. This would ensure that any required investment such as upgrades and new connections are aligned with the build out of SGC with new connection charges from the development contributing to the funding of these infrastructure works. In the circumstances, it is considered that the existing condition and concerns about future capacity are not reasons for refusing planning permission.

10.10 Energy and Sustainability

- 10.10.1 The NPPF (para. 157) states that the planning system should support the transition to a low carbon future in a changing climate and help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. New development should be planned for in ways that can help to reduce greenhouse gas emissions such as through its location, orientation and design and the increased use and supply of renewable and low carbon energy and heat.
- 10.10.2 Local Plan Policy DP7 supports high quality design which results in usable, durable, adaptable, sustainable and attractive places. Specifically proposals for new development should, amongst other attributes, demonstrate that they incorporate all practical measures to achieve energy efficiency through siting, layout and design and maximise opportunities for the use of sustainable construction techniques, renewable energy generation on site, the use of water efficiency measures recycling and conservation, the use locally sourced or recycled materials wherever practically possible and that residents minimise, re-use or recycle waste. In February 2019, Mendip declared a Climate and Ecological Emergency pledging to make best endeavours to enable the district to be carbon neutral by 2030.
- 10.10.3 The Energy Strategy submitted with the application assesses the proposed development against the objectives in Policy DP7 and the design standards and emissions targets for new dwellings and commercial buildings set out in the Building Regulations. The current Building Regulations (2021, as amended 2023) require that residential development reduces its carbon emissions by 31% compared to a 2013 baseline. Notwithstanding the current position, the DPFD commits to exceeding the 2021 standards with a 40% reduction in carbon emissions compared to a 2021 Part L compliance baseline within each development parcel. In addition, all phases should be designed to deliver a minimum of 50% of their energy requirements on-site via renewable means. As a development with a 15+ year construction programme the detailed design and specifications in future reserved matters applications will need to respond to changing regulations and comply with the standards in force at the time of construction. For example, under the Future Homes Standard (due to be introduced in 2025) carbon emissions

from new homes are to achieve a 75-80% reduction against the 2013 baseline.

- 10.10.4 To mitigate impacts on the climate and reduce carbon emissions the Energy Strategy sets out a number of measures to mitigate the impact of the development. These include design standards for new buildings (such as high levels of insulation and air tightness, the use of LED lighting and efficient heating and hot water systems) as well as on site low carbon and renewable energy sources such as photovoltaics and air source heat pumps and charging for electric vehicles. The Energy Strategy also sets out measures to support climate change adaptation including site-wide measures such as sustainable urban drainage solutions and attenuation. Without mitigation the ES identifies moderate adverse impacts from the development due to increased carbon emissions (due to energy provided via the national grid relying, in part, on fossil fuels) and during construction due to increased carbon emissions from the production of materials and transport related emissions associated with delivering material to the site.
- 10.10.5 To achieve a low carbon development and contribute to mitigating climate change the application proposes a range of measures including plot layout, building design and specifications; on-site low carbon and renewable energy solutions such as photo-voltaic panels and air source or ground source heat pumps; and an electric vehicle strategy. The potential for a gas or biomass combined heat and power (CHP) facility and district heating network were considered as part of the review of options for delivering sustainable sources of heat to the site. It was concluded, however, that the density of the development would not support the expense of CHP and associated heat network and therefore focus was placed on the energy performance of individual buildings (principally on fabric efficiency and insulation standards and efficient heating and hot water systems) and renewable energy solutions.
- 10.10.6 The ES concludes that with commitments to reduce CO₂ emissions beyond current Building Regulations standards and the provision of on site renewable technologies the proposed development will have a negligible effect on the environment. There will however be other impacts such as from vehicle emissions although the transition to electric vehicles will assist in reducing the impact in the medium to longer term. Overall given the acknowledged impacts, embedded sustainability measures and emerging standards it is considered that in respect of climate change the likely significant effect on the environment will be negligible to minor adverse.
- 10.10.7 To achieve the stated objective to deliver an ultra low carbon development, in addition to demonstrating compliance with Building Regulations (or relevant standards in force at that time) reserved matters for each phase of the development provide an opportunity to ensure that the stated commitments to carbon emission reduction and on-site renewables are met and sustainable construction methods and operational technologies are optimised. This would be secured by condition.

10.11 Other Considerations

Environmental Conditions

- 10.11.1 Local Plan Policy DP8 states that all development proposals should minimise and where possible reduce all emissions and other forms of pollution. Proposals should be required to demonstrate that they do not give rise to unacceptable adverse environmental impacts on a range of environmental conditions including ambient noise levels, air quality, residential amenity and public health and safety. Other aspects of environmental quality (water resources, biodiversity, light pollution) are addressed elsewhere in this report. The NPPF (para. 192) states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.
- 10.11.2 The ES includes an assessment of air quality (nitrogen dioxide NO₂ and particulate matter PM₁₀) concentrations at a number of receptor locations within and adjoining the SGC site. The modelling work concludes that during the construction phase annual mean NO₂ concentrations will remain below (by 52%) the annual mean objective at all locations and change by a maximum of 0.2 µg/m³ at the worst affected site (Marston Road access) due to increases of HGV movements along the B3090. On completion of the development annual mean NO₂ concentrations would remain below the annual mean objective at all locations (by 46% assuming no improvements in the vehicle fleet and more if emissions from cars are reduced). The model estimates no exceedance against the annual mean PM₁₀ objective although without vehicle fleet improvements potentially there would be five exceedances during construction. The UK Air Quality Objectives for PM₁₀ states that the 24 hour mean should not to be exceeded more than 35 times a year and therefore the daily mean PM₁₀ objective would be met. All locations in the modelling meet the EU Directive annual mean PM_{2.5} limit value of 25 µg/m³.
- 10.11.3 Natural England raised the issue of potential air quality impacts on the Mendip Woodlands SAC. The closest is Asham Wood located approximately 6km to west of the SGC site, to the west of Nunney, with the A361 approximately 1km from the SAC. An examination of the traffic modelling through the A361/B3090 Marston Road junction to/from the west (and making no allowance for vehicles using the A359 beyond Nunney Catch) indicates that on completion of the development the increase in traffic on the road would be negligible. Accordingly, it is considered that the development would not give rise to significant environmental effects in respect of the SAC.
- 10.11.4 A geotechnical survey of the site comprising a desk-based assessment and site inspection has identified the potential for contamination in the form of the ground gas due to the presence of landfills and underlying organic material within parts of the site. This is reported in Chapter 9 of the ES and, without mitigation, the potential effects on human health during construction and operation of the development are assessed as minor/moderate. With mitigation including compliance with relevant construction protocols and regulations and the removal of contamination where found, the residual effects are assessed as negligible. The ES has been reviewed by the Contaminated

Land Officer who raises no objection subject to conditions requiring further detailed assessment of the site and remediation if required.

- 10.11.5 Chapter 11 of the ES reports on noise impacts arising from the proposed development. This includes noise and vibration from construction activity and noise from the transportation of construction materials as well as noise from increased road traffic, building services plant and commercial activity and servicing operations during operation of the development. The existing site is affected primarily by local road traffic noise with the greatest noise levels from the A361 and to a lesser extent the B3092. The south-eastern corner is also affected to a lesser degree by the train line. Access to the site during construction will primarily be from the A361, B3090 (Marston Road) and B3092 (Blatchbridge) and based on existing HGV movements the noise impact due to construction vehicles is assessed as negligible. Impacts due to operational traffic are also assessed as negligible. Tenant(s)/end users for the commercial areas have not yet been identified and therefore noise emissions from the units have not been assessed. The ES has been reviewed by the Environmental Protection Officer who has advised that subject to conditions to sufficiently limit any potential detriment to residential amenity the proposed development is acceptable.

Community Safety

- 10.11.6 As an outline application there are no detailed layouts or designs of buildings or spaces. However, the DPFD sets out a number of design principles and guidance to guide the detailed design. Avon & Somerset Police (Designing Out Crime Officer) advise that aspects of the detailed design including the layout of roads, footpaths, parking, lighting, communal areas, boundary treatments and layout and orientation of dwellings should ensure people are safe and feel safe and recommend that the development should achieve Secure By Design certification. Devon & Somerset Fire and Rescue Service advise that fire hydrants should be incorporated into the road layout in accordance with the Building Regulations. These matters can be addressed through conditions or informatives.
- 10.11.7 Avon & Somerset Police Estates have also reviewed the application and identified investment in additional staffing (including recruitment costs), building extension, vehicles, mobile equipment and CCTV/ANPR considered necessary to properly service the development. The Police are seeking a contribution towards those costs. Somerset East does not have a Community Infrastructure Levy (CIL) or charging schedule in place and Somerset Council does not operate CIL in the former Mendip area. Contributions would therefore need to be secured through s.106 planning obligations. It is considered, however, that the requested contribution would not meet the relevant tests in respect of planning obligations (Regulation 122 of the Community Infrastructure Levy Regulations 2010). The Avon and Somerset Police Designing Out Crime Officer has raised no objection to the application and a condition is proposed requiring that reserved matters applications demonstrate how the design and layout of the development will achieve the objectives set out in the relevant Secure by Design Guide(s). Accordingly, a

financial contribution to Avon & Somerset Police Estates is not considered necessary to make the development acceptable in planning terms.

10.12 Delivery (including Phasing)

- 10.12.1 The joint Applicant for the proposed SGC development is Land Value Alliances (LVA) and the Selwood Garden Community Landowner Consortium. LVA is the project promoter and the Consortium representing the various landowners. As is evident from the planning application red line boundary, not all land holdings within the area covered by the application are included and there are small pockets where properties will remain in situ and with access maintained such as on Little Keyford Lane.
- 10.12.2 If approved, the joint Applicants would be signatories to the s.106 legal agreement. However, at this stage the parties and mechanism to deliver the SGC development i.e. the laying out of the site (including open space), building out of the development (including the school) and provision of infrastructure (including roads, bridges and surface water drainage system) has not been determined. For example, the site could be disposed of to a consortium or individual housebuilder or other developers as a single site or in parcels. Alternatively, LVA may retain an ongoing interest and manage the delivery of the site. Given the absence of a named developer(s) or development partner(s) to manage the project through from the first to final phase, it is important that appropriate controls are put in place to manage that process and ensure the comprehensive development of the site as set out in the application. This will also ensure that the overall vision and importance of its individual components that together would deliver a mixed-use development supported by appropriate social and other infrastructure are delivered.
- 10.12.3 A key part of ensuring the development is implemented on a comprehensive basis would be a Site Wide Infrastructure Plan to set the strategic site-wide elements of the development such as the surface water drainage and the principal road network within which individual reserved matters applications could come forward, with responsibility for delivery of that infrastructure secured through the approved phasing plan. To this end, it is recommended that, prior to submission of any reserved matters application, a Site Wide Infrastructure Plan and implementation programme is approved and that there are defined events that need to be completed before development of the site can progress.
- 10.12.4 The application includes a high-level phasing strategy (included as a Parameter Plan for approval) together with a breakdown of when elements of the development would come forward, as follows:
- Phase 1 comprising construction of the Marston Road access and housing in the western part of the site as well as the laying out of land to the south of the A361 to provide new habitat as part of the bat mitigation strategy. Separately, the new access from Blatchbridge Road would be provided and the laying out of the main employment site. As part of

Phase 1 it is proposed that the No. 30 Bus service is extended to Marston Road/Sandys Hill Lane.

- Phase 2 comprises construction of the A361 access and extension of the internal link road (buses, cyclists and pedestrians only) together with housing in the southern part of the site as well as the laying out of the playing fields and other green infrastructure works adjacent to the River Frome. The new Primary/First school and Nursery would be constructed as part of this phase.
- Phase 3 comprises construction of housing in the south western part of the site accessed from the A361 including allotments and employment space.
- Phase 4 comprises construction of the Little Keyford Lane access and extension of the internal link road (buses, cyclists and pedestrians only) connecting with the centre of the site together with housing in the northern part of the site.
- Phases 5 and 6 comprise the construction of housing in the southern and northern parts of the site. Linked to the phasing of development will be off-site highway works within Frome as well as on the A36.

10.12.5 Subject to the linked delivery of new homes, employment space and social and highway infrastructure, the overall phasing strategy is considered acceptable.

10.12.6 Given the inter-related nature of the different elements of the SGC development and importance of ensuring that the infrastructure is delivered in tandem with (or before) the new homes and employment space it is recommended that, as a minimum, each reserved matters application relates to a defined phase. To ensure that the design principles are carried forward each reserved matters application would need to be preceded by a detailed Design Codes for that phase. These matters would be secured by condition.

Ongoing Stewardship

10.12.7 The SGC development includes significant areas of green infrastructure as well as other community assets that will need to be managed and maintained on a long-term basis. Typically, the management and maintenance of open space in new developments has been through a management company (either set up by or appointed by the developer and funded by the developer and/or through a management charge or levy on properties in the development). Notwithstanding their objection to the application itself, if the SGC application is permitted, Frome Town Council has expressed an interest in being responsible for the management and maintenance of open space and community assets on the site. The application site is located within Selwood Parish rather within the jurisdiction of Frome Town Council. However, subject to resolving relevant administrative matters, a legal agreement could be drafted to allow for Frome Town Council to take on this role. This could be on a 'first refusal' basis in favour of Frome Town Council or subject to agreement between the parties.

10.13 Planning Balance

- 10.13.1 This planning application is for the development of up to 1,700 homes, employment space, landscaping and infrastructure on land to the south of Frome and bounded on its southern edge by the A361. The site lies outside the development limits of Frome in the adopted Local Plan and, other than a small parcel of land on the north side of Little Keyford Lane, is not allocated for development. Accordingly, the proposed development is contrary to the development plan.
- 10.13.2 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development which, in the case of determining a planning application, means approving development proposals that accord with an up-to-date development plan without delay or (NPPF para 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.13.3 The most important policies in the Mendip Local Plan 2014-2029 for determining this application (see 9.5 above) must be treated as being 'out of date'. This is due to the fact that Somerset East currently only has a housing land supply of 3.67 years. By virtue of the fact that the most recent housing delivery statistics across Somerset East has been below target (requiring an additional 20% buffer to be applied) this is substantially below the required 6-year supply.
- 10.13.4 Given the position on housing land supply para.11d) of the NPPF, (the 'tilted balance') is engaged i.e. permission should be granted unless the circumstances set out in para. 11 d) i. or ii. apply.
- 10.13.5 The application site is not located within a National Landscape area or statutorily designated habitat area (Site of Special Scientific Interest, Special Area of Conservation or Special Protection Area) and there is a non-statutorily designated Local Wildlife Site within the site. There are no designated heritage assets within the site however the site is within the setting of a number of heritage assets (Grade II* and II listed buildings and Registered Park and Garden). The site is within the wider setting of the Cranborne Chase National Landscape area which is also a designated International Dark Sky Reserve. Parts of the application site are also at risk of flooding. It is considered that, with mitigation, those areas or assets of particular importance outlined above will be protected and there are no adverse impacts of the proposed development that would significantly and demonstrably outweigh the benefits of granting planning permission.
- 10.13.6 The site is within the Mells Valley Special Area of Conservation (SAC) consultation zone. As the competent authority for the purposes of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local

planning authority (advised by Somerset Ecology Services and Natural England) is satisfied that (with mitigation) the development will not adversely affect integrity of the Mells Valley SAC in accordance with Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

- 10.13.7 If granted permission the SGC development would deliver up to 1,700 homes including 30% affordable, contributing towards addressing an existing housing need. It would also provide employment space creating job opportunities and economic activity of economic and social benefit to the town and local area in the long term as well as during construction. The proposals include a Primary/First school and Nursery and a range of public open spaces as well as contributions to off-site facilities.
- 10.13.8 Mitigation measures to address highway impacts have been identified and funding would be secured through a s.106 legal agreement. No built development is proposed within Flood Zones 2 or 3 and it is considered that the proposed surface water drainage strategy will manage surface water and watercourse flooding within controlled routes. As an outline application, there are no details of the layout of the site or design of buildings and open spaces. However, a Design Principles Framework Document submitted for approval with the application provides clear design guidance for buildings, streets and open space that will be taken forward in Design Codes and reserved matters applications. The delivery and phasing of the development would be secured through conditions and planning obligations. It is considered that these weigh in favour of the proposed development.
- 10.13.9 The impact of the proposed development on the setting of habitats, designated landscapes and heritage assets has been considered as part of the assessment of the application. Built development is contained by the A361. However, the development would be visible in close, middle and longer distance views. The extent and scale of the proposed development would result in the complete loss of the existing agricultural landscape and give rise to a permanent change to the setting of designated heritage assets and the National Landscape. It is considered that, given the distance and intervening landscape buffers between the proposed development and National Landscape area, the physical integrity and special features of the National Landscape would not be harmed, its setting compromised, nor the reasons why the area was designated in the first instance. It is considered that the mitigation proposed in terms of lighting levels across the development would maintain the dark sky quality of the wider Dark Sky Reserve.
- 10.13.10 In respect of designated heritage assets, overall it is considered that the impact would be less than substantial and outweighed by the economic, social and environmental benefits of the development.
- 10.13.11 NPPF paragraph 12 notes that the presumption in favour of sustainable development (as set out in NPPF paragraph 11) does not change the statutory status of the development plan as the starting point for decision-making and that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. However, for the reasons set out elsewhere in this report, the most important policies in the Mendip Local

Plan 2014-2029 for the determining this application must be treated as 'out of date'. That said, NPPF paragraph 11d) does not require Local Plan policies to be excluded from consideration completely and the Council may take them into account when conducting the tilted balance exercise. As noted above, the application site is located outside the development limits of Frome, is not allocated for development in the adopted Local Plan nor identified as a site in the 'Limited Update' to LPP2 which is currently in progress. Accordingly, the proposed development is a departure from the development plan.

10.13.12 However, the site is considered to be a generally sustainable location and a departure from the development plan is considered to be justified when considered against the development plan as a whole. In accordance with policies in the Mendip Local Plan, the development will deliver 30% affordable housing and the inclusion of employment space will contribute to the local economy. The proposals include a range of sustainable transport measures serving the site and wider Frome area aimed at promoting active travel and reducing the need to travel by private car. Measures to mitigate impacts of the development on the local and strategic road network have been proposed to the satisfaction of the Highway Authority and National Highways. The development includes an on-site Primary school and nursery (with funding for school places off-site for older children) and funding will be provided to support acute care facilities at RUH Bath. The Frome Medical Centre has advised that it has capacity for residents of the development. Funding for affordable housing, transport measures and social infrastructure will be secured through planning obligations.

10.13.13 The proposals include green infrastructure and landscape enhancements that will maintain the favourable conservation status of populations of European protected species. The impact of the development on the setting of designated heritage assets is considered to be less than substantial and outweighed by the public benefits of the development. The impact of the development on the setting of the National Landscape and on the Dark Sky Reserve is considered to be limited and would not harm its physical integrity and special features nor compromise the reasons why the area was designated in the first instance. Built development is located in areas of lowest flood risk and a strategy to manage surface water drainage has been agreed in principle. The layout, scale and design principles that will guide details of the built form to achieve a design quality are considered acceptable and robust.

10.13.14 The NPPF establishes a presumption in favour of sustainable development and in this case policies which are most important for determining the application, that is housing land supply and delivery, must be treated as out-of-date and work on a replacement Local Plan is at a very early stage. Whilst the scale of the proposal is in excess of historic site allocations and housing developments in Frome, the town is the largest in Somerset East and identified in the adopted Local Plan as a principal settlement where development is to be directed. The SGC development would deliver a mix of residential, commercial and other land uses in the context of a comprehensive plan to be built out over a 15+ year programme of development. In this context and given the general sustainability of Frome and of the application site it is considered

that granting permission for the development would not prejudice the spatial strategy for Frome or the wider area. In the circumstances, it is considered that prematurity would not amount to a clear reason for refusing planning permission.

10.13.15 It is acknowledged that the implementation of the application scheme would result in a visual impact on the urban edge of Frome. However, this impact is not, in itself, considered to be a reason for refusal and furthermore built development is contained by the highway network that forms the Frome bypass. There are no objections from technical consultees that are not capable of being resolved through on or off-site mitigation that would be secured by condition and/or a planning obligation. It is accepted that the quantum of development is significant. However, rather than a combination of smaller scale, piecemeal and disjointed developments, the proposals enable a comprehensive, masterplanned approach to the development of site and to mitigating on and off-site infrastructure requirements. The scale of development also delivers significant social and community benefits including the provision of 510 affordable homes and new publicly accessible open space within the site. It is considered that the delivery of this level of affordable homes and other public benefits carry significant weight to tip the balance in favour of approval.

10.14 Planning Obligations

10.14.1 Local Plan Policy DP19 states that the Council will support the delivery of local infrastructure in line with new development and mitigate or compensate for the effects that new development may have. This includes the use of legal agreements (or other appropriate mechanism) where the implementation of a development would result in specific or direct impacts on a site, its surrounding area or local infrastructure (including amenities and facilities), or a need to compensate for loss or damage caused by a development.

10.14.2 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is considered that the proposed planning obligations meet these tests.

10.14.3 S.106 Heads of Terms

Topic	Key Terms
Affordable Housing	<ul style="list-style-type: none"> • 30% on site (510 homes (based on 1,700 total)) • 70% Social Rent • 30% Intermediate • Delivery per phase • Clustering (maximum number)
Education (First/Primary school and Nursery)	£9,893,130 (£5,819.49/dwelling) <ul style="list-style-type: none"> • On-site provision (2.1ha)

Topic	Key Terms
	<ul style="list-style-type: none"> • Construction on site by developer to Education Department specification or serviced site and construction by Somerset Council, funded by developer • Contribution to off-site provision (interim) £1,695,040 (£997.08/dwelling)
Education Middle Upper SEND	<ul style="list-style-type: none"> • Contribution to off-site provision • £6,376,356 (£3,750.80/dwelling) • £4,190,329 (£2,464.90/dwelling) • £1,583,014 (£931.19/dwelling)
Open space	<ul style="list-style-type: none"> • On site provision by phase • Management responsibilities (FTC or ManCo)
Highway works	<p>Contribution to works at junctions in Frome:</p> <ul style="list-style-type: none"> • Marston roundabout - total cost • A361 Signal controlled junctions (x2) - £175,000 • Gorehedge junction - £102,200 • The Butts - £60,000
Highway works	<ul style="list-style-type: none"> • Contribution to A36 junction works (to be implemented by the Highway Authority) <p>Total cost of works £4.23m</p>
Public transport	<ul style="list-style-type: none"> • Contribution to expand/extend No. 30 Bus service - £247,000
Sustainable transport	<ul style="list-style-type: none"> • On site provision • Electric scooters/bikes (£187,500) • Car Club (£41,250) • Resident Green Travel vouchers (£313,700)
Sustainable transport	<ul style="list-style-type: none"> • Financial contributions: • Off-site Active Travel routes (£600,000) • Cycle stands/wayfinding (£100,000) • Station improvement study (£25,000)
Travel Plans	<ul style="list-style-type: none"> • Detailed Residential, Employment, School Travel Plans • Travel Plan Coordinator (£72,800) • Travel surveys (£90,200)
Public access/rights of way	<ul style="list-style-type: none"> • Unrestricted public access to on site open space
Health (acute care)	<ul style="list-style-type: none"> • Off site contribution (£289,943)
Sports (pitch)	<ul style="list-style-type: none"> • On site provision

Topic	Key Terms
Sports (pitches)	<ul style="list-style-type: none"> • Off site improvements to Frome Town United Football Academy and Frome Town RFC (£400,000)
Community meeting space	<ul style="list-style-type: none"> • On site provision • Terms of provision
Ecological scheme	<ul style="list-style-type: none"> • Landscape and Ecological Management Plan (including ongoing management and maintenance) • Provision of bat habitat • Biodiversity Net Gain works (including long term management and maintenance)
Local Labour	<ul style="list-style-type: none"> • Training and employment opportunities during construction • Contribution to construction training (£250,000)
Monitoring Charge	<ul style="list-style-type: none"> • Payment triggers

11. Local Finance Considerations

11.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. A local finance consideration means:

- i) a grant or other financial assistance that has been, or will or that could be, provided to a relevant authority by a Minister of the Crown; or
- ii) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

11.2 The former Mendip District Council did not have a CIL or charging schedule in place and Somerset Council does not operate CIL in the former Mendip area. However, if planning permission is granted for the proposed development, under the Government's current New Homes Bonus scheme the Council would receive payments. Although the final amount would be dependent on a number of factors, on the basis that the scheme remains in place this is a material consideration in the determination of this application.

12. Recommendation

Subject to

- the Secretary of State having notified the Council (following referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2024) that they do not intend to issue a 'call-in' direction under Section 77 of the Town and Country Planning Act 1990; and
- National Highways having withdrawn their Holding Recommendation

that Planning Permission be GRANTED for the reasons set out in the Officer Report subject to:

- the recommended Conditions set out in Paragraph 3.1 of the Officer Report and such non-material amendments thereto as Officers may consider appropriate to ensure the acceptable implementation of the development; and
- the prior completion of a s.106 Legal Agreement to secure the matters set out in Paragraph 3.3 of the Officer Report

CONDITIONS

1. Outline Reserved Matters Time Limit (Compliance)

- (a) No phase of the development hereby approved shall be commenced unless and until an application for written approval of the matters reserved by this planning permission (the Reserved Matters) in respect of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The Reserved Matters applications shall include plans, sections and elevations (as appropriate) detailing:
- Access
 - Layout
 - Scale
 - Appearance
 - Landscaping
- (b) The first application for approval of the Reserved Matters shall be submitted not later than the expiration of two years from the date of this permission;
- (c) The development 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 first of the Reserved Matters to be approved whichever is the latest.

Reason: This is an Outline Planning Permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Site Wide Infrastructure Plan

No part of the development hereby approved shall be commenced unless and until a Site Wide Infrastructure Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Wide Infrastructure Plan shall include details of the following:

- i) Strategic road network
- ii) Strategic open space
- iii) Surface and foul water drainage

The development hereby approved shall be implemented in accordance with the approved Site Wide Infrastructure Plan

Reason: To ensure the development is in accordance with Policy DP8 and DP9 of the Mendip Local Plan.

3. Phasing (Details)

Each reserved matters application shall comprise a phase of the development (as shown on Drawing 2034 Rev.2 dated 20/09/2023) and shall include details of the sequencing and programme for the construction and completion of buildings, roads, cycle routes and footpaths; landscaping and areas of public realm including the provision Neighbourhood and Local Equipped Areas of Play and Local Areas of Play; and the location of fire hydrants.

The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is delivered in accordance with the approved Parameter Plans and to ensure the comprehensive development of the site and creation of a high quality place, in accordance with Policy DP7 of the Mendip Local Plan.

4. Land Use Reconciliation (Compliance)

Each Reserved Matters application shall be accompanied by a Reconciliation Statement specifying:

- i) what is proposed in the Reserved Matters application;
- ii) what is permitted by this outline permission but not the subject of Reserved Matters application or approval
- iii) what has been completed at the date of the Reserved Matters application;
- iv) what has Reserved Matters approval but is not built

The Reconciliation Statement shall demonstrate how the development the subject of the Reserved Matters application is consistent with the overall proposals for the site as established by the approved land use mix and approved Parameter Plans.

The Reconciliation Statement shall include a development table which shall include details of the following:

- (a) The Use Class and floor area of all non-residential use(s) (sqm GIA) by reference to the approved land use mix;
- (c) The size and number of dwellings (Use Class C3);
- (d) The number of car parking, motorcycle parking and cycle parking spaces for residential dwellings, non-residential uses and public use.

Reason: To enable the Local Planning Authority to be satisfied that detailed proposals for part of the site are consistent with the outline proposals for the Site as a whole, the approved land use mix and Parameter Plans.

5. Design Codes

Prior to the submission of any Reserved Matters application(s), detailed Design Codes for the phase of development to which it relates shall be submitted to and approved in writing by the Local Planning Authority. The Design Codes shall include, but not be limited to details of:

- (a) Site layout principles
- (b) Architectural strategy and design styles relevant to that phase;
- (c) Block types, separation distances, building depths and house types;
- (d) Facing and roofing materials, boundary treatments;

- (e) Hard and soft landscaping and public realm strategy including materials and surfacing types;
- (f) Sustainable construction techniques, on-site renewable energy generation and carbon emission reduction measures

These details will be in compliance with the approved Design Principles Framework Document.

The relevant phase of the development shall be implemented in accordance with the approved Design Code.

Reason

To ensure the detailed design of the development to accord with Policy DP1 and DP7 of the Mendip Local Plan.

6. Compliance Statement

Applications for the approval of Reserved Matters shall be accompanied by a statement demonstrating how they accord with the approved Parameter Plans and the approved Design Codes or (where relevant) explaining why they do not.

Reason: To ensure high standards of design and To ensure the detailed design of the development to accord with Policy DP1 and DP7 of the Mendip Local Plan.

7. Noise Insulation

Each Reserved Matters application shall include details of a Sound Insulation Strategy required to support the indicative design specification for residential properties within and adjoining the site as detailed in 11.7 (Mitigation Measures & Monitoring) and 11.8 (External Noise Affecting the Proposed New Housing) of the Environmental Statement. The Sound Insulation Strategy shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented prior to first occupation of any part of the proposed development requiring the measures. All sound level measurements to be expressed as 'A' weighted "Fast" response levels unless otherwise stated.

Reason: To protect residential amenity in accordance with Policies DP8 of the Mendip Local Plan and having regard to the NPPF, in particular Chapter 15.

8. Electric Vehicle Charging

Each Reserved Matters application shall include details of the location and specification of Electric Vehicle (EV) charging provision. Details shall include the provision of at least 1 EV "rapid charge" point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space shall be made available. The development shall not be first occupied until the proposed commercial use and dwelling(s) have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: In the interests of sustainable development, in accordance with Policies DP7 of the Mendip Local Plan.

9. Material Samples

Each application for approval of Reserved Matters shall include a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, for the phase of development to which it relates. The relevant phase of the development shall thereafter be carried out only in accordance with the approved schedule of materials.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1 and DP7 of the Mendip District Local Plan.

10. Hard and Soft Landscaping

Each application for approval of Reserved Matters shall include a hard and soft landscaping/planting scheme for the phase of the development to which it relates. The scheme shall include the following details:

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

The approved landscaping/planting scheme shall be implemented in full within the first available planting season from the date of commencement of the relevant phase of the development.

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, and 7 of the Mendip Local Plan.

11. Construction Environmental Management Plan (Residential Amenity)

No works shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority in order to ensure that safe operation of the highway and minimise the effect of noise, odour and dust from the demolition, preparatory groundworks and construction phases of development on occupiers of nearby properties in the interests of residential amenity and sustainable development.

The CEMP shall include, but not be limited to, the following:

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

- d. Details for the safe disposal of waste materials shall also be included confirming that no burning of site generated waste is permitted;
- e. Delivery and construction working hours;
- 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. Prevention of nuisance caused by radios, alarms, PA systems or raised voices
- j. The parking of vehicles of site operatives and visitors;

Noise generating activities shall not occur 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.

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 and having regard to the NPPF, in particular Chapter 15.

12. Construction Environmental Management Plan (Biodiversity)

A Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The CEMP: Biodiversity shall include the following:

- (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 matters raised in documents titled ‘7.0 Chapter 7: Ecology & Nature Conservation’ (submitted 5th August 2022) (excluding measures delineated for matters pertaining to the Mells Valley Special Area of Conservation bats); ‘Outline Horseshoe Bat Mitigation Strategy’ (Submitted 21st February, 2024); ‘Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT’ (submitted 21st February, 2024) in addition recommendations obtained from updated ecological and habitat surveys where deemed appropriate by a suitably qualified ecological consultant.
- (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, including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases);
- (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.

No development of the relevant phase shall commence until the CEMP: Biodiversity has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction, in accordance with Policy DP5 of the Mendip Local Plan.

13. Lux Contour Plan (Lighting Strategy)

A Lighting Strategy (including biodiversity impact) shall be submitted with each Reserved Matters application for the phase of the development to which it relates. The Lighting Strategy shall:

- (a) identify those areas/features of the site that are particularly sensitive for bats and other identified light sensitive species identified in documents titled '7.0 Chapter 7: Ecology & Nature Conservation' (submitted 5th of August, 2022) (excluding measures delineated for matters pertaining to the Mells Valley Special Area of Conservation bats); 'Outline Horseshoe Bat Mitigation Strategy' (Submitted 21st February, 2024); 'Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT' (submitted 21st February, 2024) and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places;
- (c) the design should accord with Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels, showing that lighting will be directed so as to avoid light spillage and pollution on habitats used by light sensitive species, and will demonstrate that light levels falling on wildlife habitats do not exceed an illumination level of 0.5 Lux. Shields and other methods of reducing light spill will be used where necessary to achieve the required light levels; and
- (d) show the design is broadly consistent with the principles set out within the 'Appendix 7.A – Bat Mitigation Strategy' within section '4. Dedicated Bat Habitat' and section '5. Lighting Design' (as submitted on the 21st February, 2024 as submitted at Outline stage).

No development of the relevant phase shall commence until the Lighting Strategy has been approved in writing by the Local Planning Authority and all external lighting shall thereafter be installed in accordance with the approved specifications and locations set out in the approved Lighting Strategy and shall be maintained thereafter in accordance with the said strategy.

Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy DP5 of the Mendip Local Plan.

14. Reptile Mitigation Strategy – Condition (Reserved Matters)

No development of a phase shall take place (including ground works or vegetation clearance) until a Reptile Mitigation Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Reptile Mitigation Strategy shall include the following:

- (a) The proposed construction working practices to avoid harming reptiles.
- (b) Details of proposed location, to accommodate any reptiles discovered during the works.
- (c) The timing of works to minimise the impact on reptiles.
- (d) If required, details of the location and status of translocation site.

The development of the relevant phase shall thereafter be carried out strictly in accordance with the approved Reptile Mitigation Strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection and the 'Favourable Conservation Status' of UK protected species of reptile, UK priority species of reptile listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with the National Planning Policy Framework 2023.

This is a pre-commencement condition as harm to protected species needs to be prevented from the earliest states of the development.

15. Further Updated or Supplementary Surveys (Habitats, Badgers, Bats, Reptiles, Water voles, Otters, Invertebrates, Hazel Dormouse, Birds)

Unless otherwise justified to the satisfaction of the Local Planning Authority by a suitably qualified ecologist as to why updated surveys for a species(s) are not required, no works shall commence on a phase until updated supplementary ecological surveys of that phase of the site have been undertaken submitted and approved in writing by the Local Planning Authority as part of any Reserved Matters application. Surveys shall be undertaken in accordance with the most up-to-date good practice guidelines pertaining to the respective habitats and species.

Reason: In the interests of the strict protection and 'Favourable Conservation Status' of European Protected Species and UK protected species of bats, UK priority species of bats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with the National Planning Policy Framework 2023.

This is a pre-commencement condition as harm to protected species needs to be prevented from the earliest states of the development.

16. Post Construction Biodiversity Monitoring

No development of any phase shall take place, including demolition, ground works and vegetation clearance, until a Biodiversity Monitoring Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The purpose of the Biodiversity Monitoring Strategy shall be to monitor retained, enhance, created

habitats as well as associated protected species which they are designed for. The content of the Biodiversity Monitoring Strategy shall be in accordance with the Habitat Management and Monitoring Plan (HMMP) as outlined in the guidance template provided by Natural England and will include but not necessarily be limited to the following details:

- (a) Aims and objectives of monitoring to match the stated purpose.
- (b) Identification of adequate baseline conditions prior to the start of development.
- (c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- (d) Methods for data gathering and analysis.
- (e) Location of monitoring.
- (f) Timing and duration of monitoring.
- (g) Responsible persons and lines of communication.
- (h) Review, and where appropriate, publication of results and outcomes.

The Biodiversity Monitoring Strategy for the relevant phase will be implemented in accordance with the approved details.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the approved Biodiversity Monitoring Strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species, a Local Wildlife Site and in accordance with Policy DP5 of the Mendip Local Plan.

17. Biodiversity Enhancement and Management Plan (BEMP)

A Biodiversity Enhancement and Management Plan (BEMP) shall be submitted with each Reserved Matters application for the phase to which it relates. The BEMP will include details on the proposed enhancements as outlined in 'Chapter 7: Ecology & Nature Conservation' of Grassroot Planning's 'Environmental Statement – Addendum Selwood Garden Community, Frome February 2024 Application Ref: 2021/1675/EOUT' (as submitted on the 21st February 2024) and in Grassroots complete Biodiversity Metric Calculator dated 25th September 2023 as submitted on the 21st February 2024.

No development of a phase shall commence until the BEMP for that phase has been approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved BEMP.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 180(d) of the National Planning Policy Framework.

18. European Protected Species Mitigation Licence (Bats, Badgers, Otter) (Pre-commencement)

No works to or demolition of buildings or structures shall commence until one of the following have been submitted to the Local Planning Authority:

- (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to proceed; or
- (b) (Bats only) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- (c) a statement in writing from the licensed (in respect of the concerned species(s)) ecologist to the effect that he/she considers that the specified development will not require a licence.

Reason: In the interests of the strict protection and 'Favourable Conservation Status' of European Protected Species and UK protected species of bats, UK priority species of bats listed on s41 of the Natural Environment and Rural Communities Act 2006, and the National Planning Policy Framework 2023. This is a condition precedent as harm to protected species needs to be prevented from the earliest stages of the development.

19. Roost Compensation (bats)

No development of any phase shall commence until details of roosting compensatory measures to be provided in the design of the buildings in that phase, in accordance with the results of the updated bat activity surveys submitted under Condition 15, have been submitted to and approved by the Local Planning Authority. Details shall include the location of roost entrances and internal details. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>).

The compensatory measures will be implemented in strict accordance with the approved design and maintained for the exclusive use of bats thereafter.

Reason: This is a pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policy DP5 of the Mendip Local Plan.

20. Surface Water Drainage

No development of any phase shall be commenced until details of the sustainable surface water drainage scheme (SuDs) to control and attenuate surface water for that phase, to meet the four pillars of SuDS (water quantity, quality, biodiversity, and amenity) to meet wider sustainability aims as specified by the National Planning Policy Framework (2023) and the Flood and Water Management Act 2010, has been submitted to and approved in writing by the Local Planning Authority.

This shall include but not be limited to the following details:

- a) Drawing / plans illustrating the proposed surface water drainage scheme including the sustainable methods employed to delay and control surface water discharged from the site, sewers and manholes, attenuation features, pumping stations (if required) and discharge locations. The current proposals may be treated as a minimum and further SuDS should be considered as part of a 'SuDS management train' approach to provide resilience within the design.
- b) Detailed, network level calculations demonstrating the performance of the proposed system are required and this should include:
 - i) Details of design criteria etc and where relevant, justification of the approach / events / durations used within the calculations.
 - ii) Where relevant, calculations should consider the use of surcharged outfall conditions.
 - iii) Performance of the network including water level, surcharged depth, flooded volume, pipe flow, flow/overflow capacity, status of network and outfall details / discharge rates. Results should be provided as a summary for each return period (as opposed to each individual storm event). Evidence may take the form of software simulation results and should be supported by a suitably labelled plan/schematic to allow cross checking between any calculations and the proposed network
- c) Detail drawings including cross sections, of proposed features such as infiltration structures, attenuation features, pumping stations and outfall structures. These should be feature-specific.
- d) Details for provision of any temporary drainage during construction. This should include details to demonstrate that during the construction phase measures will be in place to prevent unrestricted discharge, and pollution to the receiving system. Suitable consideration should also be given to the surface water flood risk during construction such as not locating materials stores or other facilities within this flow route.
- e) Further information regarding external levels and surface water exceedance routes and how these will be directed through the development without exposing properties to flood risk.
- f) Details on watercourse crossings, any works to watercourses and outfall locations.

The development of the relevant phase shall implemented in accordance with the approved details for that phase and maintained at all times thereafter.

Reason: To ensure the development is properly drained in accordance with para. 173 of the NPPF.

21. Surface Water Drainage (Updated Hydraulic Model)

No development shall be commenced until an updated hydraulic model with the most up to date climate change figures been submitted to and approved in writing by the Local Planning Authority. The development shall include measures to control and manage flooding from all sources and prevent flooding to infrastructure and dwellings.

The development shall be implemented in accordance with the approved hydraulic model and maintained at all times thereafter.

Reason: To ensure that flooding from all sources is properly managed in accordance with para. 173 of the NPPF.

22. Surface Water Drainage: Management and Maintenance

No phase of the development shall be occupied or brought into use until a scheme for the future management responsibility and maintenance of the surface water drainage system serving that phase has been submitted to and approved by the Local Planning Authority.

The scheme shall include but not be limited to the following details:

- (a) Detailed information regarding the adoption of features by a relevant body. This may consider an appropriate public body or statutory undertaker (such a water company through an agreed application under Section 104 of Water Industry Act 1991) or management company.
- (b) A management and maintenance plan for the lifetime of the development which shall outline site specific maintenance information to secure the long-term operation of the drainage system throughout the lifetime of the development.

The development of the relevant phase shall implemented in accordance with the approved scheme.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with para. 173 of the NPPF.

23. Drainage Strategy

A detailed drainage strategy must be submitted with every Reserved Matters application. The detailed drainage strategy must be in accordance with the submitted Preliminary Foul Water Drainage Strategy VD19204 and show how the phase, where necessary, facilitates connections for future phases in accordance with VD19204 in a timely and planned manner.

The development shall be implemented in accordance with the approved detailed drainage strategy and maintained at all times thereafter.

Reason: To ensure implementation of a joined up foul drainage strategy avoiding duplication and designed with maximum energy and carbon savings in accordance with Mendip Development Policy 7 (Design and Amenity of New Development).

24. Pollution Prevention (Construction)

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

1. Site security.
2. Fuel oil storage, bunding, delivery and use.
3. How both minor and major spillage will be dealt with.
4. Containment of silt/soil contaminated run-off.
5. Disposal of contaminated drainage, including water pumped from excavations.
6. Site induction for workforce highlighting pollution prevention and awareness.
7. A control/management plan for Himalayan balsam on the site.
8. An ecological enhancement and management strategy.

9. Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

Reason: To prevent pollution of the water environment in accordance with Policy DP8 of the Mendip Local Plan.

25. Site Characterisation Investigation

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This risk assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The risk assessment shall consider all previous uses and shall be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM) 2019'. The risk assessment and written submission shall include:

- (i) a survey of the nature, extent and significance of any contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

This is a pre-commencement condition because the works comprising the development have the potential to uncover harmful contamination. Therefore these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

26. Submission of Remediation Scheme

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures;
- (iv) where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- (v) where required, additional contingency measures designed to safeguard future users and receptors

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme shall be carried out prior to the commencement of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

This is a pre-commencement condition because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore these details need to be agreed before work commences.

27. Verification Reporting

Unless the findings of the approved investigation and risk assessment required by Condition 25 conclude that a remediation scheme is not required, no occupation shall be permitted (or where the site is subject to an already approved phasing plan, there shall be no occupation of any part of each phase) until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation required by Condition 26 has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

28. Reporting of Unexpected Contamination or Constraints

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless revised arrangements for remediation have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and, where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised remediation

scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the remediation scheme approved pursuant to Condition 26.

Reason: In order to ensure that the site is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other offsite receptors and in accordance with Chapters 11 and 15 of the National Planning Policy Framework.

29. Programme of Works in Accordance with a Written Scheme of Investigation

No development hereby permitted shall commence until a programme of archaeological work is implemented in accordance with a Written Scheme of Investigation (WSI) to be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The WSI shall include details of the archaeological investigations including geophysical survey, trial trenching and potential mitigations. A subsequent report must be produced if the archaeological evaluation leads to further excavations on the site. The development hereby permitted shall be carried out in accordance with the approved WSI.

Reason: The site has the potential of being of archaeological interest and therefore as requiring further archaeological investigation in accordance with Policy DP3 of the Mendip Local Plan.

30. Archaeology and Ensuring Completion Of Works

No building shall be occupied until the site archaeological investigation required by Condition 29 has been completed and post-excavation analysis has been initiated in accordance with the approved WSI and provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: The site has the potential of being of archaeological interest and therefore as requiring further archaeological investigation in accordance with Policy DP3 of the Mendip Local Plan.

31. Secure By Design

Each Reserved Matters application shall include a statement demonstrating how the design and layout of that part of the development will achieve the objectives set out in the relevant Secure by Design Guide(s).

Reason: To create safer and more sustainable communities in accordance with Mendip local Plan Policy DP7.

32. Residential Amenity (Noise)

Prior to installation details of any plant and equipment on non-residential (Class C3) buildings (include kitchen ventilation and extraction systems and any new refrigeration/air conditioning plant) shall be submitted to and approved by the Local Planning Authority. The rating of the noise emitted from fixed plant on the site shall be a minimum of 5dB below the existing background level at any time. The noise levels shall be determined at the facade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS 4142:2014.Noise from Fixed Plant and Machinery (General). That part of the

development shall not be occupied until the details and any necessary and approved mitigation scheme has been implemented in full.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy DP8 of the Mendip Local Plan.

33. Non-Residential – Hours of Use

Any floorspace occupied by Use Class E a), b), c) shall be open to customers only between the hours of 07.00am- 22.00pm Monday to Sunday. No deliveries to premises occupied for these uses shall be taken at or dispatched and no delivery vehicles shall park within the application site outside these hours.

Reason: To protect the amenity of people living nearby in accordance with Policy DP8 of the Mendip Local Plan.

34. Highway Details

Details of the proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus laybys, 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 shall be constructed and laid out in accordance with details submitted to and approved in writing by the Local Planning Authority.

For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority before the commencement of each phase of the development.

The proposed roads, including footpaths and where applicable turning spaces and cycle way connections, 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: In the interests of amenity and highway safety and to ensure that the roads and public highway are designed, laid out and constructed to an adoptable standard in accordance with Policy DP9 of the Mendip Local Plan.

35. A36 Junction Works Stage 1

No more than 400 dwellings or up to 6,500sqm of employment (Classes E, B2 and B8) floorspace shall be occupied prior to the delivery of improvement works to the A36 White Row and A36 Beckington junctions as generally shown on drawings 19016-PHL-302 Rev J and 19016-PHL-402 Rev J, or an alternative scheme which provides equal or greater capacity and safety benefit as may be agreed in writing by the Local Planning Authority (who shall consult with National Highways), have been completed in accordance with the Local Planning Authority's approval (who shall consult with the National Highways) and are open to traffic.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

36. A36 Junction Monitoring

Following occupation of the 401st dwelling or in excess of 6,500 sqm of employment (Classes E, B2 and B8) floorspace (the 'Trigger Point') and until the first anniversary of full occupation of the development hereby approved, or commencement of works that may be required as part of Condition 37, generally in accordance with Drawing referenced 19106-PHL-304 Rev E (or other scheme as agreed with the Local Planning Authority in consultation with National Highways), the Applicant/Developer shall commission annual monitoring surveys of the A36 northbound approach to the A36 'White Row' roundabout junction. The surveys shall be undertaken over a two week period, during term time in a neutral month and the survey timing, methodology and definition of a queue length shall be agreed in writing by the Local Planning Authority in consultation with National Highways within six months of the Trigger Point. The survey findings and data shall be presented in a report (the survey report), and submitted to the Local Planning Authority within 1 calendar month of the survey being undertaken.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

37. A36 Further Works

If the survey report required by Condition 36 records that the A36 northbound queue length to the White Row roundabout, measured from the roundabout entry point, exceeds 700m for a cumulative duration of 100 minutes measured over 10 consecutive surveyed working days then junction improvement works shall be undertaken in general accordance with Drawing referenced 19106-PHL-304 Rev E, or other scheme as agreed with the Local Planning Authority in consultation with National Highways. If the works have not been completed in accordance with the Local Planning Authority's approval (who shall consult with the National Highways) and are not open to traffic within 12 months of the survey report's submission, unless otherwise agreed in writing with the Local Planning Authority in consultation with National Highways, no first occupations of dwellings (i.e. new property registrations with the Land Registry), or first occupations of the employment space, hereby permitted shall occur until the works are completed and open to traffic.

Reason: To manage and mitigate operational traffic impacts in the interest of the safe and efficient operation of the Strategic Road Network.

38. Public Rights of Way

No development hereby approved which shall interfere with or compromise the use of footpaths FR 14/39 and FR 14/40 and bridleway FR 14/UN shall take place until a Path Diversion Order has been made and confirmed. On confirmation of the Order the diverted route shall be completed and made available to the public prior to the occupation of 50% of the residential units in the phase(s) of the development within which the existing footpath and diverted route are located.

Reason: To ensure that existing Public Rights of Way through the application site and recorded on the Council's Definitive Map are maintained or where diversion is proposed alternative alignment has been submitted and approved by the Local Planning Authority.

39. Plans List

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

- 2026 Rev.Q

- 2027 Rev.S
- 2028 Rev.N
- 2029 Rev.H
- 2033 Rev.K
- 2034 Rev.C
- 19016-PHL-A01_ Rev.J
- 19016-PHL-B02_ Rev.J
- 19016-PHL-C03_ Rev.H
- 19016-PHL-F02_ Rev.E
- Design Principles Framework Document v11 (July 2024)

Reason: To define the terms and extent of the permission.

INFORMATIVES

Habitats Survey Record

With respect to Design Principle 8 (Development Principles Framework Document v11 July 2024) the Existing Habitats and Land Management Plan (Rev. v8 27.02.2023, ES Addendum February 2024 Appendix 4) shall form the basis for reserved matters applications.

Amenity Conflict Potential

Occupiers of the development hereby approved may from time to time experience some noise annoyance associated with neighbouring commercial use or from existing road networks. It should be noted that such annoyances may not necessarily, be actionable under Environmental Health powers bestowed upon the Council. Further advice can be obtained from the Environmental Protection Team

The applicant is reminded that compliance with the conditions attached to this consent or the legitimate use thereof, does not preclude the Council from taking action under legislation intended to protect quality of life including inter-alia ; the Statutory Nuisance provisions of Part III of The Environmental Protection Act1990.

Public Rights of Way

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <https://www.somerset.gov.uk/roads-and-transport/apply-for-the-temporary-closure-of-a-right-of-way/>

LLFA

Somerset County Council is the Lead Local Flood Authority (LLFA) as defined by the Flood and Water Management Act 2010 and the Flood Risk Regulations 2009. Under section 23 of the Land Drainage Act there is a legal requirement to seek consent from the relevant authority before piping/culverting or obstructing a watercourse, whether permanent or temporary. This may also include repairs to certain existing structures and maintenance works. This requirement still applies even if planning permission has been granted.

River Frome/Environmental Permits

No buildings shall be located within 8 m from the edge of Flood Zone 2 to allow for climate change impact, and no ground raising or landscaping to take place within Flood Zones 2 and 3.

The River Frome and other watercourses/ditches on site and their corridors and associated riparian vegetation should be retained as green corridors/blue infrastructure, however any proposals including planting/landscaping within the 8m strip extending back from the top of bank for the River Frome should be discussed with the Agency to ensure they are appropriate given the location and existing habitats.

Any development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Frome a designated 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The need for an Environmental Permit is over and above the need for planning permission.

To discuss the scope of the controls please contact the Environment Agency on 03708 506 506. Some activities are now excluded or exempt; please see the following link for further information: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Any oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area.

Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

The foul drainage should be kept separate from the clean surface and roof water, and connected to the public sewerage system after conferring with the sewerage undertaker. As indicated within the planning documents.

European Protected Species Mitigation Licence (Bats, Badgers, Otter) Licence

No works to or demolition of buildings or structures should commence until one of the following have been submitted to the Local Planning Authority:

- (a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the development to proceed; or
- (b) (Bats only) a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- (c) a statement in writing from the licensed (in respect of the concerned species(s)) ecologist to the effect that he/she considers that the specified development will not require a licence.