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Via email @somerset.gov.uk

Dear Ms Alvis

Ref: 2024/2309/FUL

Site Address: Land At Tower Hill Farm Bath Road Beckington BA11 6SH

- 1.1. Context Planning Ltd have been instructed by Beckington Parish Council to prepare a representation to the above planning application. We have been asked to review the application and report the findings to the Parish Council. This report includes our findings including our overall conclusions.
- 1.2. The application seeks full planning permission for the residential development consisting of 24 dwellings including formation of vehicular access off Bath Road and associated landscaping and infrastructure. The site is located outside of the defined settlement boundary of Beckington. The site is sited close to the Beckington Conservation Area, and there are three Listed Buildings adjacent to the south-east of the Site: 'Bountrol (No.23) and adjacent Garden Wall' (Grade II), 'Clifford House' (Grade II) and 'Coach House and Garden Wall adjacent to No. 21 (Clifford House). The site sits within the Mells Valley Special Area of Conservation Consultation Zone.
- 1.3. Upon review of the current proposals, whilst the development delivers a number of planning benefits including the delivery of housing in an area with a lack of 5 year land supply, it is evident that the scheme raises a number of significant planning issues and concerns that would warrant refusal of the application. Each main issue is taken in turn below.

Planning history/background

- 1.4. Planning permission has been previously granted for the change of use of the application site, as part of a larger parcel of land to a dog training area (2024/1865/FUL). Whilst the Planning Statement cites that the implementation of this permission has been confirmed by the LPA, this presumably is an informal opinion as there are no formal documents in the public domain. We are not persuaded that this permission has been lawfully implemented and the requirements set out in section 56(4) of the Town and Country Planning Act 1990 have therefore not been met. The pre commencement condition attached to this permission have also not been discharged.
- 1.5. Even if this permission had been implemented, the site as a whole would not constitute previously developed land, and the dog training use is easily reversible. The granting of planning permission for the dog training area should bear no weight in the determination of this application.
- 1.6. A later application for a dog training exercise area with additional associated buildings was withdrawn. It is understood this this was withdrawn due to the impacts of the operational development upon the character and appearance of the area. The level of development proposed at that time was clearly significantly less than is being proposed under this current application.
- 1.7. Beckington has recently been subjected to several planning applications for major development. Application reference 2024/1865/FUL is currently being considered by the Local Planning Authority (LPA). This seeks planning permission for the erection of 20 dwellings and associated works at Great Dunns Close. It is understood that this will be heard at the Planning Committee in April. The Parish Council strongly object to this application, but if this is granted permission, the cumulative impact of that development, alongside this must be considered.
- 1.8. Appeal decision reference APP/Q3305/W/21/3288474 (LPA ref 2020/2298/OTS) which was seeking permission for a development of up to 45 dwellings and associated works at Land North of Warminster Road, Beckington is also material to this application. This appeal was dismissed in October 2022 with a number of harms being found, including the development being considered to represent the disproportionate growth of Beckington, and there being a lack of supporting infrastructure in the village to support the additional

growth. Whilst each application is judged on its merits, there are direct comparisons that can be drawn between the aforementioned appeal and the subject planning application.

- 1.9. The application site, and associated parcels of land at Tower Hill, have previously been promoted by the landowners. The LPA have repeatedly concluded that the site was not suitable for development. There is no reason to depart from these previous conclusions.
- 1.10. Local Plan Part 2 (LPP2) was adopted in December 2021 identifying additional housing and employment sites. Since the site was considered unsuitable at that time, the application site was not put forward as an allocation in LPP2.
- 1.11. During the LPP2 Examination, National Highways made objections to development allocations in Beckington, reflecting its concern over traffic movements on the A36. These focus on capacity of roundabouts east of Beckington. Policy DP27 was included in the Plan reflecting agreement between promoters, Mendip Council (as was) and National Highways to require financial contributions for highway improvements. The implications of this will be dealt with below in the Highway Impacts section of this report.
- 1.12. The Site Selection and Assessment Report undertaken by the LPA as part of the background documents for LLP2, concluded the following for the application site; *Site is on the edge of a village that has delivered in excess of CP2 requirements. It would impact settlement character, local distinctiveness and landscape character. It is BMV agricultural land. Education capacity is limited and drainage has been an issue for the village. Financial contributions would be required for the A36 roundabout. **The site is not suitable for allocation.***
- 1.13. Following a Judicial Review into LPP2, a number of site allocations, were deleted from the plan and remitted to the council for reconsideration. The High Court ordered 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 Local Plan Part 1 (LPP1); and in light of the review, prepare and publish modifications to LPP2 which allocate sites and submit these for examination.
- 1.14. Following a call for sites and a district-wide review, the Council consulted on proposed housing allocations in the former Mendip area to provide 505 dwellings by 2029. Despite again being promoted by the applicant and the need to find new sites, the application site

was again not put forward for allocation. This site was still considered to be unsuitable as Beckington was already significantly in excess of CP2 requirements, there was no education capacity and there were drainage issues in the village which made the delivery uncertain. The extract from the ‘Summary of Site Options’ is copied below’.

Beckington												
Land Ref	Submission status	Site	Ha	Planning Status	CP1 & 2 compliance/ sustainable location	Policy Conflict	Site suitability/ Delivery by 2029	Delivery Risk by 29	Sustainability Appraisal impacts	Strategic constraints	Max Units	Proposed Allocation
BECK005a	Re-promoted	Land at Tower Hill Farm, Beckington	1.9		Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	24	No
BECK005b	Re-promoted	Land at Tower Hill Farm, Beckington	0.8	2021/0868/FUL - granted (dog walking) 2023/1369/FUL withdrawn	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	10	No
BECK005c	Re-promoted	Land at Tower Hill Farm, Beckington	1.5	See BECK005b	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village. Accessible local services.		No -impacted by A36 improvements - uncertain delivery/ multiple options in village	Very High	Mixed - some strong negatives (landscape/settlement)	Yes -A36 capacity issues	30	No
BECK023	Re-promoted	Land off Great Dunns Close, Beckington. Remitted site BK1	1.3	APP/03305/W/21 /3289537 - Appeal dismissed.	Village significantly in excess of CP2 plan requirement/ No education capacity/ drainage issues in village.		No - unsuitable given specific refusal on drainage grounds.	Very High	mixed - some positive - some key negative impacts	Yes -A36 capacity issues	30	No

Figure 1- Extract from ‘Summary of Site Options by Settlement Appendix 3 to Proposed Site Allocations Consultation Report’

- 1.15. The Council submitted the Limited Update proposals for examination on 30 September 2024 with the Hearings due to take place in March 2025.

Principle of Development

- 1.16. Local Plan policy CP1 seeks to achieve the most sustainable pattern of growth by directing the majority of new development to Frome, Glastonbury, Shepton Mallet, Street and Wells (“Principal Settlements”). In rural areas, new development is to be provided in Primary Villages and Secondary Villages.
- 1.17. Policy CP2 explains that the delivery of housing will be secured from infill, conversions and redevelopments within the development limits as defined on the Policies Map, subject to compliance with national planning policy and specific policies within the Local Plan, particularly matters relating to design, local distinctiveness and identity and amenity. The policy makes it clear that development outside the development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities. This proposal sits outside the settlement boundary, in open countryside, and would not benefit economic activity or extend the range of facilities in the village. The proposal is manifestly in conflict with the terms of CP1 and CP2.

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- 1.18. Policy CP2 of LPP1 sets out the distribution of housing for the district over the plan period (2006 to 2029). The Council's overarching spatial strategy is for 80% of the district's housing growth to be accommodated within the five main towns, which are overwhelmingly the most sustainable settlements capable of accommodating significant additional growth. The latest housing completions data shows however that, since the start of the plan period, the villages within the former Mendip area have already delivered 1708 dwellings with a further 668 granted planning permission but not yet completed. This figure is already in excess of the entirety of the planned for commitment over the plan period (1,780). Further, 463 dwellings have been built in open countryside with a further 362 granted planning permission but not yet completed. Overall, the dwellings permitted in open countryside represent 33.25% of the total housing requirement of the plan, rather than 20% as planned for. This is clearly contrary to the spatial strategy of the Local Plan.
- 1.19. Based on the above figures, it is clear that housing delivery within the former Mendip district has been skewed, with excessive levels of development approved in the villages, well beyond what may be considered sustainable. If this application is permitted, it would further skew delivery in direct conflict with the spatial strategy.
- 1.20. Paragraph 4.31 of the supporting text to CP2 explains that one of the two broad principles in distributing new rural development was that levels of new development in each place should be appropriate to their existing scale and have regard to environmental constraints. The Council sets out village housing requirements based on a proportionate growth equating to 15% of the existing housing stock of that village. The principle of proportionate growth and planned housing being provided at a scale commensurate with the existing housing stock is enshrined within CP2.
- 1.21. Based on a 15% growth, CP2 therefore indicates 55 new homes as a reasoned scale of housing growth in the village of Beckington during the plan period. The latest monitoring report shows that 111 dwellings were either completed or granted consent between 2006 and March 2024. The village has therefore delivered significantly in excess of CP2 requirements and the Plan period still has 4 years left to run. The quantum of 111 covers those dwellings granted planning permission in Beckington but does not include those dwellings in the surrounding smaller settlements which have a physical and/or functional connection to Beckington. If these are taken into account, the number would be even greater and increase the disproportionality.

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- 1.22. The housing stock already delivered in Beckington is over double the village requirement. Whilst the local plan figure of 55 dwellings is not expressed as a maximum, it is evident that this level of growth was considered both proportionate to the scale of the village and appropriate to meet local housing needs. If planning permission was granted for this development, it would result in a 38.25% increase of the housing stock in the village during the plan period, and the village having delivered 246% of the Local Plan target. The plan still has 4 years to run and further infill and windfall developments are likely to come forward in that time, further increasing the housing numbers.
- 1.23. If the application is granted planning permission at Great Dunns Close alongside this application, this would result in a 44.5% increase in the housing stock in the village, and the village having delivered 282% of the Local Plan target. Individually or cumulatively, this can in no way be viewed as a proportionate addition. The 2024 Annual Monitoring Report outlines the growth of the primary, secondary and other villages within the former Mendip area. This shows, that if the current applications are granted planning permission, Beckington will have seen more growth proportionally than all but one of the 52 villages in the district.
- 1.24. The significant concerns with the resultant disproportionate growth of the village was recognised in the Site Options Appraisal (post JR LLP2) where it was stated that the site was not suitable for allocation due to the fact that housing growth in Beckington was already significantly in excess of CP2 requirements. There is no reason to reach a different conclusion at this stage. The proposal would be disproportionate to the scale of Beckington, and even more so, if combined with development at Great Dunns Close, and it is therefore in conflict with the spatial strategy of LPP1. It is evident therefore due to its countryside location and the disproportionate growth, the development would be contrary to CP1, CP2 and CP4 of LPP1. This conclusion was echoed in the appeal decision at Warminster Road in Beckington (ref APP/Q3305/W/21/3288474).

Weight to be given to housing policies

- 1.25. Whilst it is accepted that the policies most important for the determination of the application are by default 'out-of-date' having regard to footnote 8 to NPPF paragraph 11(d) given the lack of a 5-year housing land supply, it is still argued they still hold significant weight.

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- 1.26. The weight to be afforded to policies, NPPF paragraph 22 guides, depends on their degree of consistency with the terms of the NPPF. The basic principles of CP1, CP2 and CP4, that the majority of development should be in the five towns, that the primary villages are the most sustainable in the rural area and that their individual growth should be proportionate, do not conflict with the NPPF, remain valid and should be given significant weight.
- 1.27. LPP2 has sought to significantly boost the supply of housing, and the examining Inspector was clear that the Council were seeking to demonstrate a rolling 5-year housing land supply. Whilst the former allocations were deleted from the plan, these have now been submitted for Examination, and the LPA are therefore taking the necessary steps towards seeking to remedy the shortfall in accordance with a plan led system. LPP2 commits the Council to a local plan review process which will be undertaken as part of the development of the new Somerset Plan. Somerset Council are currently undertaking a 'Call for Sites' with a deadline for submissions of 24 February 2025.
- 1.28. In this context the terms of CP1, CP2 and CP4 can be afforded significant weight, despite being out-of-date, for the purposes of this application. These policies are consistent with the advice and approach of the NPPF. This is consistent with numerous appeal decisions in the former Mendip area including appeal reference APP/Q3305/W/21/3288474.

Housing Mix

- 1.29. The development proposes a mixture of affordable housing and market housing. The market housing comprises four no. 3 bedroom houses, and thirteen no. 4 bedroom houses. Policy DP14 advises that development should provide for appropriate mix of dwelling types and sizes. This should reflect local housing need, including the need for small family sized units and housing suitable for older people. The reliance on larger housing types, weighs against this development. The development is considered to fail to comply with Policy DP14.

Highway Safety/Capacity

- 1.30. Policy DP9 guides that development will be supported where it makes safe and satisfactory provision for access by all means of travel and servicing.
- 1.31. As noted above, during the LPP2 II Examination, National Highways raised objections to development allocations in Beckington due to concerns about traffic movements on the A36, specifically focusing on the capacity of roundabouts east of Beckington. Policy DP27 was included in the Plan to reflect an agreement between promoters, Mendip Council (as was), and National Highways, requiring financial contributions for highway improvements.
- 1.32. The applicants have not included any reference to this within their Transport Statement or Heads of Terms. Policy DP27 did not establish a design specification, costings or timescales for implementation. The improvement works are not part of the Somerset Council highway programme, and it is not yet clear who will be responsible for implementation. The application at Selwood Garden Village (for a mixed used development including 1700 homes) was expected to contribute to the key infrastructure measures needed, but there is uncertainty with the outcome of this application which has now been called in by the Secretary of State for a decision. Without this scheme in place, it is hard to see how these improvements will be bought forward. The application is silent on this issue, and thus it cannot be demonstrated that this development complies with this policy requirement.
- 1.33. It does not appear that National Highways have been consulted as part of this application, but it is likely that they may object to this scheme as without the improvements, including to the A36 Beckington roundabout, the cumulative impacts of new developments in the area are likely to have a severe impact upon the highway network. Again, the cumulative impacts of this development and that at Great Dunns Close must be considered and each application cannot be considered on its own.
- 1.34. DP10 explains that parking should be provided at an appropriate level but that regard will be had to the objective of reducing the growth in private vehicles and the need for on-site provision to prevent problems of highway safety. There are concerns that insufficient parking has been provided within the proposed layout. The application form advises that 50 spaces have been provided and the Transport Statement cites 75. There appears to be a heavy reliance on garages for the parking provision which are, infrequently used for

parking day to day. In terms of visitor spaces, at least 5 spaces should be provided, but only 2 have been illustrated on the layout plan. A failure to provide adequate on-site parking, will lead to indiscriminate parking within the site, or on the adjacent highways, leading to the obstruction of the highway and consequential highway safety problems. This is of particular concern given the location of the site opposite the Memorial Hall and playground.

- 1.35. Whilst the layout could be amended to provide more parking spaces, this would necessitate the loss of green space, and further compound concerns with regards to the urbanisation of the site and loss of rural character which is discussed below.
- 1.36. The development therefore fails to accord with policies DP9 and 10 of LLP1 and Policy DP14 of LLP2.

Health Care Facilities

- 1.37. LPP1 CP4 seeks to ensure that where development imposes burdens which exceed the capacity of existing facilities, new development is phased for delivery in line with improvements to the relevant infrastructure. The policy stipulates that the timing and detail of all contributions will be carefully considered in order to ensure that appropriate infrastructure or mitigation measures are delivered and put in place before the development is completed and/or occupied.
- 1.38. Planning appeal reference APP/Q3305/W/21/3288474 (Land at Warminster Road) considered the issue of capacity at the doctor's surgery in Beckington. It was evidenced during this appeal that there was a pressing need to extend or relocate the main doctor's surgery in Beckington. It was explained that this was due to a growing patient list and the closure of the Freshford Branch Surgery in 2018. No solutions have been found to extend the current provision and therefore, the concern remains. When previously considering this site, weight may have been given to this site being allocated when considering matters around infrastructure provision, this is no longer the case.
- 1.39. There is still no certainty that the necessary healthcare infrastructure would be delivered, or that the existing surgery premises could cope with the additional patient numbers in its present state. The cumulative impact of this application at the Great Dunns Close development must be considered, as by increasing the population by 44 households

(approximately 105 residents) could add significant pressure on the local surgery. This figure is well beyond the number previously considered to be unacceptable by the Inspector. Nothing has changed since this time.

- 1.40. There would therefore be conflict with policy CP4 and a consistent approach should be taken to the aforementioned appeal.

Open Space and Green Infrastructure

- 1.41. Policy DP16 explains that new development should contribute towards the provision of new open space, including accessible green natural green space to meet the needs of the growing population.
- 1.42. The development does not meet the above objective. There is no meaningful green space on the site, natural or play space. Whilst there is a play park opposite the application site, this does not negate the need to provide additional green space, including amenity space and a Local Area Play onsite. The attenuation pond is functional and does not represent useable amenity space. Further this would be separated from the development by a line of trees and is therefore not well integrated with the development.
- 1.43. The development therefore fails to meet the needs of the occupiers of the development, and conflicts with Policy DP16.

Landscape/character

- 1.44. Policy DP1 advises that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. DP4 relates to Mendip's landscapes and records that outside of designated landscape areas, proposals should demonstrate that their siting and design are compatible with the landscape character area.
- 1.45. Policy DP7 advises that MDC will support high quality design which results in usable, durable, adaptable, sustainable and attractive places. Proposals should be of a scale, mass, form and layout appropriate to the local context and protect amenity.

- 1.46. Policy DP8 is a policy which seeks to protect the environment. Development is required to demonstrate that it does not give rise to unacceptable environmental impacts on ambient noise levels, biodiversity, light pollution, residential amenity and land quality.
- 1.47. A Preliminary Landscape and Visual Appraisal (LVA) has been submitted, but for a scheme of this size on a greenfield site on an expose plateau, a full Landscape and Visual Impact Assessment would have been expected. It is difficult for an informed decision to be made without the benefit of visually verified representations or montages. It should be noted that the LVA appears to be based on an out-of-date site plan (see Figure 3), and one which does not include the attenuation pond. The engineered attenuation pond would run through the line of trees as illustrated on the western boundary on the plan within the LVA, which the LVA notes are important to filter views of the development and integrate the development with the surrounding landscape.
- 1.48. The further the trees are from the built form, the less likely they are to filter views of the development, particularly due to the topography of site. However, if these are located too close to the rear boundaries of the dwellings, it is likely that there will be pressure to remove these in the future.



Figure 2 – Site plan used within the LVA

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- 1.49. The LVA explains that the site is situated on a local ridge, at the top of a slope forming the eastern side of a valley containing the River Frome. It clarifies that there is no lighting on the site and Bath Road is also generally un-lit. It acknowledges that the site can be experienced from a number of local public rights of way including footpaths to the south-west of the site, between Beckington and Lullington, and to the north of the site, between Beckington and Rode. The Macmillan Way long distance path also crosses through the study area. We would agree with the above description but it is also our view that due to the topography of the site and its position on the exposed plateau, the application site occupies a very prominent position and is highly visible in a range of important middle range and long distance views.
- 1.50. Beckington is located with the south-west of the broad area identified as National Character Area (NCA) 117 – Avon Vales. Key characteristics identified for the NCA, include *“An undulating clay vale with a mix of arable and pasture; Small- and medium-sized fields with mostly hedgerow boundaries with few hedgerow trees, varying in shape from irregular piecemeal enclosure to rectilinear planned enclosure; Numerous low ridges with local views over towns and village.*
- 1.51. The LVA describes the site as comprising part of an open agricultural field. Topographically it is locally elevated, occupying part of a local ridge and plateau, with the River Frome running within a valley to the west. The LVA analyses views and the impact of the development upon these views and landscape character. It concludes that there will be a slight adverse effect upon the landscape character of the site, as a result of the change from agricultural land to housing, and the associated loss of openness. In terms of visual effects, it concludes that there will be some adverse effects in local views due to the presence of the new houses reducing the openness of views. In mid-distance and distant views there will be some perceptible changes to views. It is our view, that the sensitivity of the site and the impacts of the development have been significantly underplayed.
- 1.52. In views from the west, the new houses will be unduly prominent of the ridge of the hill to the east of the River Frome Valley. Whilst the LVA concludes that the houses will be seen in the context of existing properties within the village, they will be seen as an unnatural and incongruous extension to the village. Any peripheral landscaping, which would take

many years to become established, would only have a limited effect in reducing the landscape and visual harm of the proposal

- 1.53. As can be seen from Figure 3 and 4 below, the development will be far more prominent than the existing development along Bath Road. The existing development is nestled more successfully into the landscape and is more sporadic in nature, reducing the impact. Due to its position on the western side of Bath Road, the density of the development and the fact that it encroaches further west down the valley into open countryside, the proposed estate will be unduly prominent. There are few gaps between the proposed dwellings to break up the built form, and no open space within the development to incorporate meaningful planting. The development will result in a suburban addition at the ridge of the hill, at the rural edge, adjacent to development of a much lower density, significantly compromising local character and distinctiveness.



Figure 3- Viewpoint 7 from LVA



Figure 4- Viewpoint 11 from LVA

- 1.54. Lighting associated with the development would also fundamentally change the character of the site and impact unacceptably on landscape character. The lighting from the dwellings and from any street lighting would increase the prominence of this site in the hours of darkness, elongating the village away from the historic core, and harming the landscape setting of the village. The proposed housing would stand out like a beacon in views, removing dark skies and emphasising the incongruity of housing outside the settlement of Beckington.
- 1.55. The development will also have an adverse impact upon character from localised views. The character of Beckington Village will be fundamentally altered when entering and leaving the village along Bath Road.



Figure 5- Viewpoint 2 from LVA

- 1.56. Whilst the site is outside of the Conservation Area, the Beckington Conservation Area Character Appraisal is a helpful document in that it identifies the important attributes of the village. At paragraph 2.3, it explains that there are clean edges to the village and this undeveloped land is important in maintaining historic boundaries, preserving views into and out of the villages and providing a setting for older buildings. The application site currently provides a clean edge of agricultural land, adjacent to historic buildings.
- 1.57. As would be expected at edge of village locations, the density of development reduces as you move from the historic core of Beckington towards the open countryside. The development at this part of Bath Road provides a natural transition from the higher density development in the centre of the village to the open land beyond which forms the rural setting of Beckington. Currently, the village is punctuated at this point by the large detached listed buildings, set in generous plots. The development would result in the edge of the village being marked by a high-density cul-de-sac, suburban in character. The character of this part of the village would be irrevocably changed. This is clearly demonstrated by the applicant's own illustration. Figure 6 shows just how incongruous a development, particularly one at such a high density would appear.



Figure 6 – Visual from Design and Access Statement

- 1.58. The views from the existing gateway of the application site on Bath Road has been identified as an important view that should be protected in the emerging Neighbourhood Plan. This development would fundamentally change that view, introducing a dense form of development blocking views through the site. Whilst the applicant argues that views will still be available across the top of the garages, the ability to appreciate the rural landscape will be lost.

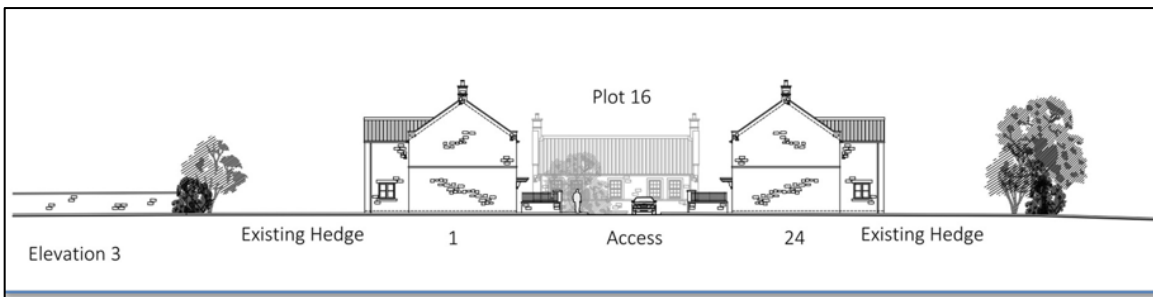


Figure 7 – Bath Road elevations

- 1.59. As well as the development elongating the village to the north, the development, including the engineered attenuation pond results in the new road and dwellings stretching further west into the open countryside. This impacts upon the established building grain of the village, again harming the rural setting of the village and the character of the area. The proposed change from open pasture to a suburban residential housing development would fundamentally change the rural character of the site, altering its nature and function. This can only be seen as high magnitude change to landscape character.

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- 1.60. In conclusion, the proposal would significantly harm the character and appearance of the area, adversely affecting the form of the village and surrounding landscape. It would not comprise a logical extension to the village, being an unduly large, suburban development. It would be incongruously located, encroaching into the countryside, eroding the character of the village and its landscape setting.
- 1.61. Contrary to Policy DP1, the proposal would detract from the maintenance and enhancement of local identity and distinctiveness, fails to appreciate the built and natural context, and fails to recognise that distinctive townscapes, views, scenery and other features collectively generate a distinct sense of place and local identity even though these may not always be formally recognised. Contrary to Policy DP4 the scheme would degrade the quality of the local landscape and fails to demonstrate that its siting and design are compatible with the pattern of natural and man-made features of the relevant landscape character area. Finally, contrary to Policy DP7, the proposal would not be of a scale, form and layout that would be appropriate to the local context. The harm to the landscape which would arise means that the proposed development would clearly be contrary to the terms of policies and the advice within the NPPF which seeks to protect the countryside from harmful development which would harm its intrinsic beauty.

Heritage Implications

- 1.62. There are three Listed Buildings adjacent to the south-east of the Site: 'Bontrol (No.23) and adjacent Garden Wall' (Grade II), 'Clifford House' (Grade II) and 'Coach House and Garden Wall adjacent to No. 21 (Clifford House)'.
- 1.63. Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development. The appropriate conservation of heritage assets forms one of the core planning principles that underpin the planning system.
- 1.64. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 of the Act contains similar requirements with

respect to buildings or land in a conservation area. In this context, “preserving”, means doing no harm.

- 1.65. LLP1 Policy DP3 requires that proposals affecting a heritage asset will need to demonstrate an understanding of the significance of the asset and its setting to a level proportionate with its importance. It further requires that proposals will need to justify any harm to a heritage asset and demonstrate the overriding public benefits which would outweigh the damage to that asset, or its setting. Paragraph 212 of the NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 1.66. The application is accompanied by a Heritage Statement. It finds that the proposed development will cause minor less than substantial harm at the lower end of the scale of harm to the values and significance of only one small group of three designated heritage assets potentially affected through a change to one part of its shared setting: the ‘Clifford Villas’ group of assets. It is our view, that the conclusions downplay the role the application site plays to the setting of the group of listed buildings and as such underestimates the resultant harm.
- 1.67. The application site has always formed the agricultural hinterland of the village. It is clear from the historic maps, that the grand buildings were designed to be sat away from built development, isolated from surrounding buildings, but still with a strong connection to Beckington, and surrounding rural farm buildings. The adjacent fields, including the application site, have always contributed to the landscape setting of these buildings. Whilst new development has been constructed over time, diminishing the setting of the buildings to a degree, the landscape setting is still clear, with the application site playing a vital role in the understanding of the history of the building. Bringing development right up to the boundary of these listed buildings, would completely consume the buildings within the village, destroying its setting in the wider landscape. They would no longer be appreciated as a group of building of importance, set in their own grounds within an impressive landscape setting.



Figure 8 – OS Map – 1894 to 1903

- 1.68. Whilst it is accepted that buildings have been constructed along Bath Road, these are more sporadic in nature, and the listed buildings are still viewed as an edge of village location, rather than within a built-up area. Siting a modern cul-de-sac adjacent to these buildings would result in irreversible harm.

- 1.69. The Heritage Statement relies heavily on the author’s judgement that the buildings were never designed to have views out of the site but chose to be enclosed by large boundary walls and trees. However, it seems inconceivable, that a building in this location would not have chosen to take advantage of the views out of the site across the valley. There appears to be no tangible evidence that the site was screened by trees, to the degree that the Heritage Statement asserts. Further, it is our view that the Heritage Statement downplays the views available from first floor windows out towards the rural landscape. The ability to appreciate the surrounding rural landscape from within these buildings and their grounds would be drastically diminished because of this development.

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- 1.70. Historically, an importance characteristic of the building would have been the tranquillity of the houses and their gardens. This would be naturally expected in a more isolated location. This would be completely lost in the development were to come forward.
- 1.71. The listed garden walls also form an important part of the significance of the group of listed buildings and are specifically contained within the listing. The grand walls emphasise the buildings' status and allows the viewer to have an understanding the historic importance of the group of buildings. The northern boundary wall will from the rear boundary walls of the modern development, completely altering the character and significance of this wall. The boundary wall to the east of the site will lose its significance, as it will be dominated by the new development as one approaches along Bath Road.
- 1.72. Overall, the development is considered to result in less than substantial harm to the significance of the listed buildings through harm to their setting. The applicant only affords a minor level of harm to the significance of the buildings, but we consider that this has been significantly underplayed. Whilst the level of harm remains, in the language of the Framework, as less than substantial, this must still be given significant weight. The Court of Appeal held that in enacting section 66(1), Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but "considerable importance and weight" when carrying out the balancing exercise. This gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings. Even where the harm would be "less than substantial" the balancing exercise cannot ignore the overarching statutory duty imposed by section 66(1).
- 1.73. Paragraph 215 of the Framework explains that 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 including, where appropriate, securing its optimum viable use. This exercise will be undertaken in the conclusions below.

Surface Water Flooding

- 1.74. Policy DP23 of LLP1 is in place to manage flood risk. All development will be expected to incorporate appropriate water management measures to reduce surface water runoff and ensure that it does not increase flood risk elsewhere.
- 1.75. The Lead Local Flood Authority (LLFA) has raised a number of concerns with the submitted Flood Risk Assessment (FRA) and proposed surface water drainage strategy. It is critical that the development does not increase flood risk elsewhere and remains safe through the lifetime of the development. It is vital that the LLFA concerns are resolved prior to a decision being made on this application and not left to condition.
- 1.76. The applicant's Flood Risk Assessment explains that the site is not identified as an area of flood risk. The Environment Agency's (EA's) Flood Risk Map, does show conflicting information with that submitted by the applicant, with an area of the site identified at a high and medium risk of flooding from surface water. It is therefore imperative that the flood risk is correctly assessed and the level of flood risk understood.



Figure 9 – EA Surface water flood risk map

- 1.77. LLP1 Policy DP23 sets out a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The NPPF also outlines the requirement for a sequential test to be undertaken for development in areas of flood risk, from all sources of flooding. This Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

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- 1.78. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere (which has yet to be demonstrated), the sequential test still needs to be satisfied. No sequential test has been submitted. Whilst the high-risk area only covers part of the site, built form is being proposed over this area, and the lack of coverage across a whole site, does not negate the need for a sequential test.
- 1.79. The development is therefore contrary to policy DP23 as it cannot be demonstrated that the sequential test is passed, nor that the development will not increase flood risk elsewhere and the development will remain safe through its lifetime.

Foul Drainage

- 1.80. In relation to foul drainage, it is well recognised that there is a historic and ongoing issue in the village due to a lack of capacity in the local network. It is vital that the LPA are satisfied that a robust strategy to deal with foul drainage is in place, including for management in perpetuity. The lack of confidence in securing suitable strategies was one of the reasons why this site was not allocated.
- 1.81. A high volume of water (combined foul and surface water) already flows to the Beckington Waste Water Treatment Plant, exceeding the capacity of the Plant. This is resulting in the discharge of untreated water into the River Frome in 'Combined sewer overflow' (CSO) events. In 2023, there were 31 CSO events, totaling 458 hours. This has significant environmental consequences. The images below show a recent occurrence of the River Frome being polluted by untreated water.



Figure 10 – evidence of failures of the existing treatment plan

- 1.82. Whilst the FRA explains that Wessex Water have confirmed that there is capacity in the network, the cumulative impacts of development must be considered. The Great Dunns scheme now also proposes foul flows from the development connecting to the foul network at Bath Road fronting the Memorial Hall and Playground. It is not clear as to whether this has been considered by the applicant or Wessex Water.
- 1.83. Whether or not there is capacity to connect to the foul network at Bath Road, due to capacity being reached at the Treatment Plant, the development is likely to result in further CSO events, adding to the frequency and/or duration of discharges of untreated wastewater into the River Frome.

Planning Balance/Conclusions

- 1.84. The key objectives of Core Policies 1, 2 and 4 as regards the distribution of development and proportionate growth are consistent with the NPPF. These policies should therefore still be afforded significant weight. It has been demonstrated that Beckington has seen growth during the plan period, well in excess of the planned growth, achieving 238% of the Local Plan target. Whilst it is noted that the target was not a maximum, this was set at a level that was considered to represent proportionate growth. The village has already well exceeded this number, and the development as proposed would result in further unacceptable disproportionate growth to the village, skewing the spatial strategy which

seeks to deliver the majority of the growth in the most sustainable main towns. The plan led system to accommodating development in the most sustainable locations should not be ignored.

- 1.85. There are significant concerns that this development alone results in disproportionate growth of the village. If planning permission is granted for the Great Dunns Close (notwithstanding the Parish Council's view that this should be refused), the cumulative impacts must also be considered. Together they would result in Beckington, as a village, proportionally, having seen the second most amount of growth in the district.
- 1.86. Linked closely to the above point, there are concerns that the local doctor's surgery does not have capacity to absorb the additional population generated by the proposed development. Further, in terms of open space, the development does not meet the need of the future residents. It has not been demonstrated that flood risk and foul water drainage has been sufficiently addressed.
- 1.87. The development would result in unacceptable visual impacts and changes to landscape character, that can not be mitigated. The impacts would be from localised, middle and longer distance views. The development would fundamentally and harmfully change the character of the rural edge to the village.
- 1.88. Harm has been identified to the setting of the adjacent listed buildings. NPPF paragraph 215 requires that in cases where less than substantial harm is identified, this harm should be weighed against the public benefits of the proposal, bearing in mind the intended level of protection set out in section 66(1) of the Act as well as the parallel duty under section 72(1) of the Act for conservation areas and the considerable importance and weight attributed to it in the balance.
- 1.89. Whilst it is recognised that the delivery of market and affordable housing are a benefit and should be given weight in the planning balance, the benefit of housing in this location is reduced in comparison to the benefit of housing being delivered in for example a more appropriate location at one of the five towns in Mendip district, which would accord with the Council's spatial hierarchy and would be significantly more sustainable. Further, the mix of the housing types fails to provide smaller family units in line with local need. It is recognised that there are further benefits flowing from the development, including

economic benefits through the construction period, and through additional spend in the village. These however are relatively limited in scale.

- 1.90. Taking account of the weight attached to the public benefits identified, it is concluded overall that when they are taken as a whole, they do not outweigh the weight given to the less than substantial harm to the significance of the adjacent listed buildings.
- 1.91. In circumstances where the benefits do not outweigh the harm, the heritage grounds of objection comprise a strong reason. Footnote 7 to NPPF paragraph 11(di) guides that where the application of policies in the NPPF that protect assets of particular importance provides a strong reason for refusal then the presumption in favour of sustainable development is disapplied. It is therefore our view that the presumption in favour of sustainable development is disapplied in this case given the strong reason for refusal based on the harm to the heritage assets.
- 1.92. It is noted that the applicant has updated their Heritage Statement to reference the Norton St Philip appeals. However, each application is based on its own merits. Whilst in that case the Inspector considered that the public benefits of the scheme outweighed the harm to the heritage assets, this conclusion was based on the specifics of that case, which are materially different to this application.
- 1.93. Even if the tilted balance were engaged, taking these matters together, it is argued, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case there are no material considerations which indicate that a decision other than in accordance with the development plan should be taken. I would therefore urge you to refuse the application.

Kind regards

Tessa Hampden – BSc MA MRTPI

Context Planning LTD