

Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 3 October 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke	Cllr Martin Dimery
Cllr Susannah Hart	Cllr Bente Height
Cllr Helen Kay	Cllr Martin Lovell
Cllr Tony Robbins	Cllr Claire Sully

56 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillors Dawn Denton, Alex Wiltshire and Adam Boyden. Councillor Philip Ham substituted for Dawn Denton and Councillor Heather Shearer for Alex Wiltshire.

57 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 1 August 2023.

Councillor Helen Kay proposed and Councillor Edric Hobbs seconded that they be accepted. These Minutes were taken as a true and accurate record and were approved.

The Committee was then asked to consider the Minutes of the meeting held on 5 September 2023.

Councillor Edric Hobbs proposed and Councillor Heather Shearer seconded that they be accepted. These Minutes were taken as a true and accurate record and were approved.

58 Declarations of Interest - Agenda Item 3

There were none.

59 Public Question Time - Agenda Item 4

There were none.

60 Planning Application 2023/0834/FUL Land At 371144 141521 Station Road Wanstrow Shepton Mallet Somerset - Agenda Item 5

Application for the erection of four dwellings with associated vehicular accesses and highway works.

The Officer's Report stated that these applications had been referred to the Planning Committee as the application site was located outside of the housing limits therefore representing a departure from the existing adopted Development Plan.

The Report continued that the site related to greenfield land to the east of Station Road on the periphery of the village of Wanstrow. The site adjoined existing dwellings to the north and open countryside to the south and east. To the west of the site are the residential properties nos. 1 – 6 Station Road. Outline planning consent (for access and layout) was granted at appeal in October 2022 for the erection of four dwellings on the site. The scheme comprises a pair of semi-detached, two-bedroom bungalows (plots 1 and 2) and two detached, three-bedroom dwellings (plots 3 and 4).

Wanstrow Parish Council had recommended refusal of the application for the following reasons:

- Drainage and flood risk.
- Harm to residential amenity of neighbours opposite the site (car headlamps shining into properties when residents of the new development exit access points).
- Highway safety and inconvenience (proposed access roads are opposite existing access points).
- Contaminated land issues (replacement of topsoil should be conditioned as minimum)
- Ecology (phase 1 report is incomplete, inaccurate, and lacking in detail).

There had been 2 letters of objection from local residents for reasons including harm to residential amenity, highway safety and contaminated land concerns.

The Highway Authority had no objection but requested further information regarding the new accesses and gradient.

In conclusion, the Officer's Report said there were no ecological, arboricultural, contaminated land, flooding or drainage issues which were not capable of being resolved through the attachment of appropriate conditions. Therefore, any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. Paragraph 11 of the NPPF therefore directs that planning permission should be granted.

Overall, Officers had concluded that the proposal was a sustainable development and the application was therefore recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was then addressed by a speaker on behalf of Wanstrow Parish Council. His comments included:

- The Parish Council recommended refusal and questioned whether the scheme is appropriate.
- Dwellings opposite would be flooded with light when cars leave the new site due to the location of the entry/exit point.
- No comment from Council's ecologist.
- Concerns about surface water drainage and flooding which has occurred to the dwellings opposite site.
- No comment from the Lead Flood Officer.
- Requested deferral to allow the drainage and surface water schemes to be published and consulted on.
- Requested the publication of the Flood Risk Management Plan for comment by the Parish Council.

The next speaker was the applicant's agent who made the following points:

- The applicant had purchased the site with outline planning permission for 4 dwellings.
- The appeal inspector had said the Council had acted unreasonably with regard to water and drainage issues.

- Proposal is a modest scheme of single storey dwellings suitable for an ageing population.
- Dwellings will be A-Rated, with air source heat pumps, the oak tree will be retained and wildflower meadows planted.
- Highways had already approved access in the outline permission.

In the discussion which followed Members made a number of comments including the following:

- The Parish Council should be provided with the information promised regarding the Flood Risk Management Plan.
- Gardens are very small and would not allow occupants to grow their own food.
- Concern over cattle with anthrax being buried on the site.
- Concern over light pollution for the dwellings opposite from car headlights.
- There will need to be a root protection zone for the oak tree.
- The development does not seem to be sustainable.
- The site embankment – there is flooding at the bottom, it is boggy and as it is clay it is difficult to drain.
- Pleased to see the scheme is for single storey dwellings.

In response to the comments made, the Planning Officers and Legal Advisor said the following:

- There is nothing in Planning policy to dictate the size of the gardens. Officers considered there was adequate amenity.
- At appeal the Inspector said flooding and contamination issues could be dealt with by conditions to ensure contamination and drainage schemes are in place.
- Recommended Condition 5 deals with the sustainable construction and the Ground Source Heat Pumps and Condition 9 covers the protection of the oak tree.

The Lead Planning Officer advised Members that the previous Council had been deemed to be unreasonable to refuse permission and were ordered to pay costs in relation to contamination and drainage issues. She added that if the proposal was deferred the applicant may appeal for non-determination. The Planning Officer added that conditions relating to contamination imposed by the Inspector had been discharged and the report was found to be acceptable.

At the conclusion of the debate, Councillor Philip Ham proposed that the application be deferred to enable more information to be provided regarding the contamination and flooding risks. This was seconded by Councillor Susannah Hart. On being put to the vote, this was not carried with 5 votes for deferral, 6 votes against and 1

abstention.

Councillor Heather Shearer then proposed to approve the application in accordance with the Officer's Recommendation with the additional informative that the Parish Council be consulted on the submitted surface water drainage scheme for the site. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 6 votes in favour, 4 votes against and 2 abstentions.

RESOLVED

That planning application 2023/0834/FUL be **APPROVED** in accordance with the Officer's recommendation with an additional informative that Wanstrow Parish Council be consulted on the submitted surface water drainage scheme for the site.

Votes – 6 in favour, 4 against and 2 abstentions

61 Planning Application 2022/2434/VRC Millfield School Butleigh Road Street Somerset - Agenda Item 6

Application to vary conditions 2 (Plans List) and 5 (Floodlights - Hours of Illumination) of planning approval 2019/1949/FUL.

This application was withdrawn from the agenda.

62 Planning Application 2022/2313/FUL Land At 360261 146054 Thrupe Lane Masbury Shepton Mallet Somerset - Agenda Item 7

Application for the conversion of stone built agricultural barn into a dwelling.

The Officer's Report stated that this application had been referred to the Planning Committee as the Officer's recommendations differed from that of the Parish Council. The Divisional Member had requested the application be brought before the Planning Committee.

The Report continued that the application site formed part of a larger agricultural field and was accessed from West Lane, a single lane track off Thrupe Lane. The existing barn had been rebuilt and there had been retrospective planning permission granted for agricultural purposes. The site was outside of development limits and within the Somerset Levels and Moors Ramsar Risk Area. A previous application on 2021 to convert the barn to a dwelling had been refused by the LPA.

Croscombe Parish Council, Environment Protection, Contaminated Land, Drainage and Ecology had no objections. There had been 2 letters of support received from local residents.

In conclusion, the Officer's Report said that in assessing the proposal against the Council's conversion Policy (DP22), it was considered that the building was a newbuild development with no history of a rural use and therefore failed to accord with the key criteria of the Policy. Therefore, the principle of development was unacceptable as the site was isolated and unsustainable, wholly dependent on the use of the car and did not meet exception criteria set out in the NPPF or Local Plan. The proposal for residential development with associated domestic paraphilia failed to respect the character of this rural site.

Although the proposal would deliver a single dwelling and the need for housing in Mendip was acknowledged, it was considered that, in this case, this benefit was not outweighed by the significant and demonstrable harms identified in relation to the principle of development and the impact of the scheme on the character of the area. As such, the application was recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

On behalf of Croscombe Parish Council, a speaker made the following points:

- The Parish Council supported the application.
- The proposal would have no detrimental visual impact on the village.
- Public transport within the village is poor and every resident has to use a private vehicle so this residence would be no different.
- Surprised the application is recommended for refusal considering the number of barn conversions approved in similar location.

The Chair then invited the applicant and his agent to share the next speaking slot. They made the following comments:

- This application had overcome the previous reasons for refusal in November 2021.
- There was no conflict with local or national planning policy.
- Disagree that the application should be regarded as a new build.
- The barn is used for hay and farm equipment and been in the applicants' ownership since 2006.
- The applicants are caring landowners and when the barn was damaged it was rebuilt using local materials.
- It is not in an isolated location and is located opposite the new Multi-user

path.

- The scheme proposes the same size and shape to the existing barn and would be virtually off-grid.

During the discussion which followed, Members made a number of comments including the following:

- There must be a consistent approach to planning applications. Other barns in the area have been granted permission for conversion and have enhanced the area.
- The support from the Parish Council and local residents should be taken into consideration.
- Happy to see the proposed orchard and solar panels.
- The applicant rebuilt the barn just one year ago to a very high standard and is now applying to convert it. Seems pre-meditated.
- There is sustainable transport within the village – an hourly bus to Shepton Mallet.

The Legal Adviser reminded Members that there were two reasons given by the Planning Officer to refuse the application – the principle of allowing development outside the development limits and the impact of the development on the countryside. If minded to approve, Members should delegate the imposition of suitable planning conditions to Officers in consultation with the Chair and Vice-Chair. The approval would also need to be advertised as a departure from the development plan prior to the decision notice being issued.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application, as a departure and contrary to the Officer's Recommendation on grounds that the benefits of the development outweighing the harms and the proposal would not have a harmful impact on the countryside. Conditions to be delegated to Planning Officers in consultation with the Chair and Vice- Chair.

On being put to the vote the proposal was carried with 10 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2022/2313/FUL be **APPROVED** contrary to the Officer's recommendation as a departure to the development plan, as the benefits of the scheme outweighed the harms and the proposal would not have a harmful impact on the countryside. That delegated authority be granted to Planning Officers to impose

planning conditions in consultation with the Chair and Vice-Chair.

Votes – 10 in favour, 1 against and 1 abstention

63 Planning Application 2023/0174/REM Newlyn Back Lane Draycott Cheddar Somerset - Agenda Item 8

Application for reserved matters following outline approval 2019/1157/OTA for the demolition of existing dwelling and construction of 5 new dwellings. Matters of access to be determined.

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Chair as the Parish Council had recommended refusal but the Officer had recommended to approve the application with conditions.

The Report continued that the application site consisted of a detached bungalow set within a generous plot. The site was within the development limits of Draycott and there was extant outline approval for the demolition of an existing dwelling and construction of 5no. new dwellings with all matters were reserved. This application sought reserved matters approval for the vehicular access for the site all other matters would be agreed by further applications which would cover layout, scale, appearance and landscaping. The vehicular access to serve the site was proposed from Back Lane. The recommendation was for approval.

Rodney Stoke Parish Council had recommended refusal and pointed out that the Construction Management Plan in Condition 7 of the previously approved outline planning permission had not been carried out. This was also noted by the Environmental Protection Officer. There had been 7 letters of objection from local residents for the following reasons:

- Highway safety
- Light pollution
- Loss of privacy
- Design of dwellings should be in keeping
- Impact on ecology
- Principle of dwellings on the site
- Reduction in wall height will reduce character

The Officer's Report stated that the Construction Management Plan as per Condition 7 of the outline planning permission for application 2019/1157/OTA has been mentioned in the representations received. It should be noted that the reserved

matters application had to be read in conjunction with the outline consent and as such the outline conditions were still relevant and enforceable. Following their assessment of the impact of the proposal, the Officer recommended the application be approved.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were no speakers.

As there was no debate amongst Members, it was proposed by Councillor Heather Shearer and seconded by Councillor Edric Hobbs to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That reserved matters application 2023/0174/REM be **APPROVED** in accordance with the Officer's Recommendation.

Votes - Unanimous in favour

64 Planning Application 2023/0814/FUL Land West Of Tanyard Lane North Wootton Shepton Mallet Somerset - Agenda Item 9

Application for the erection of dwellinghouse and garage/store outbuilding.

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Chairman as the officer recommendation was for refusal which was contrary to the views expressed by the Parish Council and the Divisional Member.

The Report continued that the application related to a field located between existing housing to the west of Tanyard Lane, in North Wootton. There was an existing access onto Tanyard Lane at the eastern end of the plot. The site was located outside defined development limits and was within a Site of Special Scientific Interest impact risk zone. It was also allocated as an open space within Mendip District Council's local plan. Previous planning permission applications which had been granted for a dwelling on the site have since lapsed.

The Parish Council had recommended approval saying that the applicant was a long-

standing member of the community. There had been one letter of concern from a local resident regarding potential damage to property and electricity lines from falling trees.

There were no objections from Environmental Protection Agency, Highways, Ecology or the Contaminated Land. However, the Tree Officer had asked for a condition to secure a detailed arboricultural method statement to support the provided Arboricultural Impact Assessment /Tree Protection plan.

In conclusion, the Officer's Report stated that proposed dwelling would be outside the settlement limits and remote from services and facilities and would therefore be contrary to planning policies. It was considered that the harm resulting from the unsustainable location and loss of open space would outweigh the benefit of providing one additional dwelling to the housing stock. Therefore, the recommendation was for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

On behalf of North Wootton Parish Council, the first person to speak made the following points:

- After careful consideration the Parish Council recommended approval of the application.
- Aware it is outside the settlement limits (although no longer recognised for North Wootton) but requests the Committee to be more favourable to applications on the village limits.
- The harm to the character of the village would be minimal.
- Applicant is a long-time resident.
- It would add a modest sized house to the housing stock.

The applicant's agent was the next to speak. He made the following comments:

- The site previously had reserved matters approval which had lapsed.
- Due to small change in planning policy, this application was recommended for refusal. However, the scheme was similar to the previously approved application.
- The location is sustainable as the village has a pub, village hall and church.
- A new dwelling located less than 100m away had been granted planning permission in September 2022 so the same should apply to this application.
- The Parish Council recommends approval.

During the discussion which followed Members made the following points:

- It would make sense to build on this site to fill in the gap in the lane. It may even protect the green space behind it.
- Green spaces are allocated for a reason. Should not build on a green space.
- Is not a sustainable location and would be car dependent.

At the conclusion of the debate, it was proposed by Councillor Heather Shearer and seconded by Councillor Edric Hobbs to approved the application contrary to the Officer's Recommendation. On being put to the vote, the motion was not carried with 4 votes in favour and 8 votes against.

It was then proposed by Councillor Philip Ham and seconded by Councillor Bente Height to refuse the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 8 votes in favour, 3 votes against and 1 abstention.

RESOLVED

That planning application 2023/0814/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes – 8 in favour, 3 against and 1 abstention

65 Planning Application 2023/0734/FUL Land At 355328 131038 Castle Cary Road Lydford On Fosse Somerton Somerset - Agenda Item 10

Application for the erection of 1no. single storey dwellinghouse.

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan.

The Report continued that the application site related to land which was outside the defined development limits, within and Air Limit MOD and a Mineral Consultation Area. Also, it was within the Somerset Levels and Moors Ramsar Risk Area and a Site of Special Scientific Interest Impact Risk Zone.

The Parish Council had recommended approval and just one letter of objection had been received from local residents due to the likely disturbance to amenity during construction.

In conclusion, the Officer's report stated that whilst it was acknowledged that the development would be beyond the settlement limits and therefore would represent a departure from local plan, the site was relatively close to the services within Keinton Mandeville and therefore could not be described as an isolated or unsustainable location.

The dwelling would make a modest contribution to housing in the district and there would be some economic benefits during the construction period. Therefore, on balance the application represented a sustainable form of development and was recommended for approval as a departure from the development plan, as the harms arising would not outweigh the benefits delivered.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

There were no speakers registered to speak.

In the brief discussion which followed Members made the following points:

- The Parish Council were supportive of the application.
- The black metal corrugated material proposed for the cladding and roof does not fit in with the character and appearance the surroundings and does not seem suitable.
- Solar panels would be beneficial. One Member requested this to be added as a condition, however, the proposer declined this.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Heather Shearer to approve the application in accordance with the Officer's Recommendation. On being put to the vote the proposal was carried with 11 votes in favour and 1 vote against.

RESOLVED

That planning application 2023/0734/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 11 in favour, 1 against

Application for the conversion of an existing garage and workshop to residential accommodation and additional hard standing area with drainage.

The Officer's Report stated that this application had been referred to the Planning Committee as the Officer's Recommendation was for refusal, whereas the Parish Council had recommended approval of the application.

The Report continued that the application site was located to the rear of the host house, Little Tynning, and was accessed via a track from Charlton Road which also served the main house. The site was outside the defined settlement limits of the Local Plan and was within a Bat Consultation Zone, a Coal Interest Area, Radon Protection Area and a Site of Special Scientific Interest Impact Risk Zone.

The Parish Council had recommended approval whereas the Land Drainage Officer had objected due to the lack of information regarding surface water and foul waste management. There had been one letter of support from local residents.

In conclusion, the Officer's report stated that the development would lie approximately 1km from the development limits of Holcombe village and therefore would represent a departure from the local plan. The tilted balance would apply, but there would only be a limited economic benefit during the construction period. The proposal was not sustainable and the economic benefits and modest contribution to the housing supply were not considered to outweigh the harms in terms of the unsustainable location of the application site. The recommendation was therefore for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was addressed by a Councillor representing Holcombe Parish Council. He made a number of points including:

- Suggested that the location was sustainable. Nearby there is a hotel and restaurant, playing field and a limited bus service. It is no less sustainable than any other house in the village.
- It would make a modest contribution to housing numbers.
- Adult social care was extremely costly for the Council. This proposal would lessen the burden as it would enable family members to stay near elderly relatives.
- The social benefits would outweigh the harms.

Next to speak was the applicant's agent. He made the following comments:

- The application was supported by the Parish Council and there had been no local objections.
- There would be no harm to neighbouring amenities.
- Although the economic benefits may be limited there are social benefits to the proposal.
- Believes the benefits of the scheme would outweigh the harms.

In the debate which followed Members made the following points:

- Previous applications have been approved which enabled the elderly to stay near family members.
- Although the site is outside the development limits it not an undeveloped site.
- If approved, could the dwelling be conditioned to be reserved for elderly occupants only?
- There would be no harm to the visual amenity of the area.
- Concerns about additional traffic on the lane.

In response to comments made, the Planning Officer advised that the dwelling was not being built to the standards necessary to reserve it, by condition, for the use of elderly occupants. The Highways Officers had no concerns with visibility and standing advice was given. There was only 1 dwelling proposed so there would not be a high amount of extra traffic on the lane.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application, as a departure and contrary to the Officer's Recommendation due to the benefit of the development outweighing the harms. Conditions to be delegated to Planning Officers in consultation with the Chair and Vice- Chair. On being put to the vote the proposal was carried with 10 votes in favour and 1 vote against.

RESOLVED

That planning application 2023/0611/FUL be **APPROVED** contrary to the Officer's Recommendation as a departure, as the benefits of the scheme outweighed the harms identified in the Officers Report. That delegated authority be granted to Planning Officers to impose planning conditions in consultation with the Chair and Vice-Chair.

Votes – 10 in favour, 1 against

67 Planning Application 2023/1288/FUL Footlands Ivythorn Lane Walton Street Somerset - Agenda Item 12

Application for change of use of land from agricultural to residential garden.

The Officer's Report stated that this application had been referred to the Planning Committee as it was a departure from the Local Plan and the Officer recommended approval.

The Report continued that the site was in a rural area with open agricultural land around 3 edges and a lane to the south. The proposal sought a change of use on a section of land from agricultural to residential in order to create a larger garden.

There were no objections from any consultees and no letters of concern had been received from local residents.

After assessing the application, the Officer's report stated that although the development would be outside the development limits, it would be adjacent to an existing residential property. It was not considered to have a detrimental impact on the adjoining land uses and it was therefore recommended that planning permission be granted as a departure from the local plan.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation.

The Committee was addressed by the applicant's agent. She explained that the owners of the property wished to dispose of the property. However, the septic tank serving the property was located outside the existing garden. The applicants would like to have the septic tank within the boundary of the garden to facilitate it to be emptied easier and make the disposal of the property a simpler process.

As there was no debate amongst Members, it was proposed by Councillor Helen Kay and seconded by Councillor Heather Shearer to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/1288/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

68 Appeals Report - Agenda Item 13

This report was noted.

(The meeting ended at 5.10 pm)

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CHAIR