

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, 9 January 2024 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)

Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke

Cllr Susannah Hart

Cllr Helen Kay

Cllr Tony Robbins

Cllr Martin Dimery

Cllr Bente Height

Cllr Martin Lovell

Cllr Alistair Hendry

97 Apologies for Absence - Agenda Item 1

Prior to the start of the meeting the Chair asked everyone present to stand and observe a minute of silence in memory of Councillor Dean Ruddle, Division Member (Somerton) who had sadly recently passed away.

Apologies for absence were received from Councillors Adam Boyden, Dawn Denton, Claire Sully and Alex Wiltshire. Councillor Alistair Hendry substituted for Councillor Denton.

98 Minutes from the Previous Meeting - Agenda Item 2

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

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

99 Declarations of Interest - Agenda Item 3

Councillor Helen Kay declared she was pre-determined for application 2023/1036/FUL and stated she would not take part in the debate or vote. She would, however, speak as Divisional Councillor.

10 Public Question Time - Agenda Item 4

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There were none.

**10 Planning Application 2023/1759/FUL Sundance 23 Old Wells Road Shepton
1 Mallet Somerset BA4 5XN - Agenda Item 5**

Application for change of use of part of land to a dog training area with associated parking.

The Officer's Report stated that this application related to a parcel of land to the rear of Sundance, 23 Old Wells Road, Shepton Mallet. The site was agricultural land and there was a single access point off Old Wells Road which served the dwelling and stables. The site was within an area of high archaeological potential and phosphate catchment.

In the summary, the Planning Officer recommended that planning permission be approved as the proposed use was acceptable in principle raising no adverse design, amenity or highway safety concerns which could not be overcome through the imposition of conditions.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. He added that Condition 4 from his planning report relating to parking and turning (pre use) could be omitted and that there was an update to Condition 3, which was that restriction would not apply to the owners' own dogs, only those being trained.

The Committee was then addressed by the applicant. She made the following points:

- Dog training and agility would be good for the physical and mental health of the dogs and owners as well as being enjoyable.
- Very mindful of neighbours and very happy to restrict the use of the training area to minimise impact on the neighbours.
- A maximum of 3 dogs would be using the facility of any one time and will last for 1 hour.
- There will be a gap between each appointment to allow for the dog and car to

depart before the next client arrives.

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

- Concern about possible dog fouling.
- Concern about the hours of operation ending at 8pm that may give rise to noise complaints.

In response to the comments made, Planning Officers advised that Condition 3.3 could be amended to ensure that for the first year, operations must cease at 8pm, whereafter it would revert to 6pm. After which time, any complaints regarding noise will be reviewed and if found to be acceptable, the applicant could then apply under Section 73 to regularise the hours of operation.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Bente Height to approve the application in accordance with the Officer's recommendation with the amended Condition 3.3 review of noise complaints after 1 year.

On being put to the vote the proposal was approved unanimously.

RESOLVED

That planning application 2023/1759/FUL be **APPROVED** in accordance with the Officer's recommendation. subject to Condition 3.3 being amended so that, following the first year of operation, the hours of permitted operation must cease at 6pm in the evening rather than 8pm to ascertain if the approved hours of operation results in noise complaints.

Votes - Unanimous

- 10 Planning Application 2021/2525/FUL Greenhill Barton Road Butleigh**
2 Glastonbury Somerset - Agenda Item 6

Application for the change of use of agricultural land to holiday let and erection holiday let unit, yurts, kitchen and shower unit (Retention of works partially completed)

The Officer's Report stated that this application related to a field to the north of

Barton Road, Butleigh, a site known as Greenhill. The site had vehicular access from the classified 3 unnumbered road which was shared with a public footpath. A stone track from the road sloped down to site and within the field there were some Yurts which were rented out as holiday lets and a stable building.

In the summary, the Planning Officer recommended that that planning permission be refused as the principle of development was unacceptable as the site lay in the countryside outside the development limits where development is strictly controlled. The proposal did not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. The development would result in harm to the character and appearance of the area and would be detrimental to highway safety.

Any limited economic benefits that could be attributed to the development given the proposed uses as tourist accommodation associated with this development, did not outweigh the harm identified.

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

The Committee was then addressed by the applicant. Some of the comments he made were as follows:

- The site is a 5 minute walk away from the footpath.
- There are a number of approved holiday lets nearby so why is this any different?
- The holiday will employ 4 people, one of which will be full time.
- Supported by local people and no objections from the highway authority.
- Guests use the local resources and services, thus improving the economy.
- There is easy access to the site which will also suit larger vehicles.

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

- The Council should support enterprises that boost the local economy and provide jobs.
- The building is of a high eco-standard and will be off grid and on an existing foundation so will be sustainable in that respect.
- It does not appear to be in open countryside as it is shielded by trees.
- It is an ideal site for this type of business.
- Concern with the roof lights and effect on dark skies and wondered if a condition could be added to ensure blinds are used on the roof lights.
- The site would be outside the development limits and should therefore be refused.

In response to the comments made, Planning Officers advised the following:

- If the Committee was minded to approve the application, contrary to the Officer's recommendation, then delegated authority should be granted to Officers to grant permission subject to the imposition of planning conditions and the prior completion of S106 agreement to secure phosphate mitigation.
- A condition could be added for the fitting of blind, but it would be impossible to enforce so there would be little point.
- It would not be possible to prevent a future application to change the building from a holiday let to a permanent dwelling, but this would need to be approved by the Local Planning Authority at the time.

At the conclusion of the debate, it was proposed by Councillor Alistair Hendry and seconded by Councillor Helen Kay to approve the application contrary to the Officer's recommendation as the site was not considered to be in an unsustainable location and the benefits outweighed any harms identified in the Officer's report.

On being put to the vote the proposal was carried with 6 votes in favour and 4 votes against.

RESOLVED

That planning application 2021/2525/FUL be **APPROVED** contrary to the Officer's recommendation as it was considered that the benefits of the scheme outweighed any harms identified and it was not regarded as an unsustainable location. That delegated authority be given to Officers to grant planning permission subject to the prior completion of S106 Agreement to secure phosphate mitigation and the imposition of planning conditions to be agreed in consultation with the Chair and Vice-Chair.

Votes - 6 in favour, 4 against

10 Planning Application 2021/2280/FUL Billingsley Bath Road Oakhill Radstock 3 Somerset - Agenda Item 7

Application for the erection of a detached holiday let.

The Officer's Report stated that this application proposed the erection of a detached holiday let. The site currently comprised part of a steep wooded bank leading down to a stream located to the west of Nettlebridge House. The site was formally part of the Nettlebridge Inn which has since been converted to two residential dwellings.

These dwellings were also served by the proposed access to serve the proposed holiday let.

In the summary, the Planning Officer said that due to changes in National Policy which emphasised the need to promote a sustainable pattern of development, it now meant that the site's distance, poor accessibility and connectivity to local services and facilities would necessitate the need to travel by private vehicle which made the site unsustainable. In addition, the limited economic benefits brought by a single holiday let would not outweigh the harms identified. Therefore, the application was recommended for refusal.

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

The Committee was then addressed by a number of local residents opposed to the application. They gave many reasons for their objections including the following:

- The site is on the edge of a nature reserve and is steeped in history. The proposed design and materials are not in keeping with the nearby old chapel and small cottages which are constructed from local stone. It will be a blot on the landscape.
- It is an isolated rural community, with no TV reception and totally reliant on car travel, so an unsustainable location.
- The access from the proposed car park to the house at the bottom of the valley would be difficult for disabled and young children.
- An unsuitable location as the road is very busy with heavy traffic and passing HGV's.
- There is Japanese Knotweed and Himalayan Balsam growing on the riverbank and any disturbance could cause it to spread.
- The river is fast flowing and an ideal habitat for dippers which have nested under to bridge for many years. The river supports otters which are protected and they easily disturbed.
- There will be overlooking into Nettlebridge House and garden.

The next speaker was the applicant. He made the following points:

- The property would be sited well away from the flood zone.
- It would be screened from the road and other properties further up the hill.
- It would be built on stilts to protect the land.
- Every consideration had been given to the impact it would make on the landscape and neighbouring properties.
- Approval had been given to a previous application in 2018 for a holiday let on

the site.

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

- The site is well outside the settlement limits of the village and not in a sustainable location.
- It is a quiet, rural and historic hamlet and not suitable for this type of development which does not fit in with its surroundings.
- Would like other reasons for refusal be added such as the overlooking, effect on the woodland ecology, the threat of the spread of Japanese Knotweed and Himalayan Balsam and the effect on the watercourse.

In response to the comments made, the Legal Advisor advised that any additional refusal reasons would each need to have good evidence and arguments, should it go to appeal. The Planning Officer added that there was no technical support to add the requested additional reasons for refusal. The Member then withdrew her request but said that the site was not sustainable in terms of ecology.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs 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 unanimously.

RESOLVED

That planning application 2021/2280/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes - Unanimous for refusal

10 Planning Application 2023/1779/FUL Land At Burcott House Farm Pennybatch 4 Lane Burcott Wells Somerset - Agenda Item 8

Planning application 2023/1779/FUL was withdrawn from the agenda prior to the meeting.

10 Planning Application 2023/0987/OUT Sourdown Farm Sub Road Butleigh 5 Glastonbury Somerset - Agenda Item 9

Application for Outline Planning Permission with all matters reserved for 1no. replacement dwelling.

The Officer's Report stated that there was a temporary dwelling already on the site along with one large agricultural building. The site was in the countryside outside of a Settlement Limit and within the Somerset Levels and Moors Ramsar Risk Area. A public footpath ran along the rear of the site, parallel to Sub Road.

In the summary, the Planning Officer's report said that, although the site was outside of the designated development limits, it was not considered to be a remote location and was readily accessible to the services and facilities within Butleigh.

The report continued that whilst the benefits of the application were considered limited, as no design, amenity, highway safety and/or ecology issues had been raised, the titled balance was considered to apply in this case and so planning permission was recommended as a departure from the development plan.

The application was therefore recommended for approval subject to conditions and to the provisions of a S106 legal agreement to secure the phosphate mitigation.

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

There was no-one registered to speak on this application and Members had a brief discussion about the location being close to the village and, although outside the settlement limit, it was within walking distance to a lot of facilities, and therefore a sustainable location. They also noted that neither the Division Members nor the Parish Council opposed the application.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Edric Hobbs to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/0987/OUT be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

10 Planning Application 2023/1036/FUL Land North Of Wallbridge Gardens
6 Frome Somerset - Agenda Item 10

Application for the erection of 1no. dwellinghouse.

The Officer's Report stated that this application related to a narrow, wedge-shaped parcel of wasteland. The site itself occupied space between a rank of garages and the modern flat development on Great Western Road and comprised of grass and scrub vegetation. The site was accessed using a narrow access lane that cut between the rows of residential properties belonging to Wallbridge Gardens.

The site fell within development boundary of Frome and within the Mells Valley Bat Consultation Zone and BSG Coal Resources Areas.

In the summary, the Planning Officer's report stated that the proposed development would result in a single additional dwelling where there was a shortfall and would generate associated economic activity that would support local shops and facilities. However, the development would be cramped and contrived and did not satisfactorily relate to the local context. It would also be to the detriment of the amenity of the future occupiers of the already approved nearby 4-bedroom dwelling by removing the majority of outside amenity space and would result in a poor living environment for the future occupiers of the proposed dwelling being considered.

On balance therefore, the proposed dwelling was considered to generate significant and demonstratable harms that were not outweighed by the benefits and was therefore recommended for refusal.

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

The Committee was then addressed by Councillor Helen Kay who had declared at agenda item 3 that she was pre-determined for this application and therefore she would not take part in the debate or vote. She would, however, speak as Divisional Councillor. She made a number of points regarding the amenity of the future occupiers of the already approved nearby dwelling and suggested adding an extra reason for refusal regarding the access. Councillor Kay then moved to the public gallery for the duration of the debate and vote.

The next speaker was the agent for the applicant. He made the following points:

- It is in a highly sustainable location and there was already planning permission given for a house nearby.
- The reasons for refusal given by the Planning Officer were subjective.
- The garden size would larger than gardens nearby, there would be good size windows and the site would be less dense than nearby sites.
- There had been no objections to the appearance of the building or objections from highways, Frome Town Council or local residents.
- The benefits of providing a 2-bed dwelling would demonstrably outweigh any harms.

Members had a brief discussion regarding the proposed parking and turning area for the site and noted that exiting would be very difficult.

At the conclusion of the debate, it was proposed by Councillor Martin Lovell and seconded by Councillor Martin Dimery to refuse the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 7 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/1036/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes – 7 for, 1 against, 1 abstention.

10 Planning Application 2023/1184/FUL Bridge Farm West Lane To Millford Lane 7 Alhampton Shepton Mallet Somerset - Agenda Item 11

Application for the demolition of existing agricultural barns and replaced with 4 no. dwellinghouses.

The Officer's Report stated that this application site was accessed via a track which also provided access to an adjacent house and office building fronting the main road. The site was outside of the development limits, in an area of High Archaeological Potential and within a RAMSAR site.

In the summary, the Planning Officer's report recommended that that planning permission be granted, subject to conditions.

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

The Committee was then addressed by the applicant. He made a number of points including the following:

- The development is not in open countryside but is adjacent to the built-up form of the village on a former farm.
- It is a logical and sensible expansion of the village.
- The community supports the application and the one objection made has been dealt with a new landscaping plan. The objection was then withdrawn.
- The design is in keeping with the style and vernacular of the village.

In the brief discussion which followed, Members noted that the scheme had been well planned and designed. It would be built to high energy standards. Some commented on the risk of flooding at the entrance to the site but noted that there was a culvert which was maintained by a local resident. One Member noted that it was in a sustainable location.

At the conclusion of the debate, it was proposed by Councillor Alistair Hendry and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried by 9 votes in favour and 1 abstention.

RESOLVED

That planning application 2023/1184/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - 9 in favour, 1 abstention.

10 Appeals Report - Agenda Item 12
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The report of decisions made by the Planning Inspectorate between 17 November and 19 December 2023 was noted.

(The meeting ended at 4.45 pm)

..... **CHAIR**