

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, 6 February 2024 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 Martin Lovell

Cllr Tony Robbins

Cllr Claire Sully

Cllr Philip Ham

10 Apologies for Absence - Agenda Item 1

9

Apologies for absence were received from Councillors Adam Boyden, Dawn Denton and Helen Kay. Councillor Philip Ham substituted for Councillor Denton.

11 Minutes from the Previous Meeting - Agenda Item 2

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The Committee was asked to consider the Minutes of the meeting held on 9 January 2024.

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

111 Declarations of Interest - Agenda Item 3

Cllr Tony Robbins declared a non-registerable interest in Item 9 and said he would leave the room when it was discussed.

11 Public Question Time - Agenda Item 4

2

There were none.

**11 Planning Application 2023/1135/FUL - Land at 351605 155774 Burrington
3 Road, Charterhouse, Cheddar, Somerset - Agenda Item 5**

The Officer's Report stated that this application related to the demolition of stable buildings and the erection of a dwelling. Also, the stopping up of vehicular access from Burrington Road and the creation of a new access track further east along Burrington Road. There would be a new package treatment plant and associated works to convert the site from equestrian to residential.

The site was outside any development limits in open countryside and within the Mendip National Landscape.

As the application was recommended for approval, this would be a departure from the local plan and therefore was referred to the Planning Committee for determination.

It was noted that previous permission had been granted on the site in February 2023 for the conversion of the main stable building to a residential dwelling with the stopping up of the existing access and creation of a new access to the east.

In summary, the Planning Officer stated that, given that the site already benefited from a fall-back position in the conversion, the new proposal would not result in any additional harm above that already permitted in terms of sustainability, and no material harm has been identified. The application was therefore recommended for approval subject to conditions, as a departure from the Development Plan.

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

The Committee was then addressed by the agent for the application. He made the following comments:

- This is a brownfield site, previously used for keeping and stabling horses.
- Previous planning permission granted in 2023 was granted to convert the largest concrete stable into a 2-bed single storey dwelling. The new application is only slightly larger and is for a 3-bed single storey dwelling.
- There is no change to the previously approved access.

- The proposed new position 10m further east would mean less impact on the neighbouring property and will be well screened in the wider landscape.
- No objections have been received from the Parish Council or neighbours.

There was a brief discussion in which Members expressed their approval of the application and were happy to see that the access to the proposed dwelling would be located further away from the bend in the road. The development would tidy up a site which was run down in appearance.

At the conclusion of the debate, it was proposed by Councillor Philip Ham 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 approved unanimously.

RESOLVED

That planning application 2023/1135/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous

11 Planning Application 2023/1535/FUL - Barn at Lower Shots, Ashmoor Drive, 4 Bleadney, Somerset - Agenda Item 6

The Officer's Report stated that this application related to a site located outside the settlement limits as identified in the Mendip District Council Local Plan. As the Officer's recommendation was for approval, the application had been referred to the Planning Committee for determination. The proposal would utilise the existing access from Ashmoor Drove which is a single lane, unclassified carriageway.

The Report continued that there was existing permission to convert the barn to a 2no. bed dwelling. To facilitate the new extended element of the dwelling, existing barn buildings surrounding the main barn (to be retained and converted) would be demolished. The new build would largely sit within the footprint of the demolished barns.

In the summary, the Planning Officer recommended that that planning permission be approved as no adverse impacts had been identified which would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the National Planning Policy Framework (NPPF).

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

The Committee was then addressed by the agent for the application. He made the following comments:

- To accommodate the applicant's large family, they would like to demolish a concrete barn abutting the milking parlour which was already approved for conversion.
- It would have a modern, contemporary appearance to complement the red brick milking parlour.
- No new issues for highway safety, ecology or flood risk.
- The Parish Council had recommended approval and there were no objections from neighbouring properties.

Members had a brief discussion and were happy with the proposal.

At the conclusion of the debate, it was proposed by Councillor Philip Ham and seconded by Councillor Edric Hobbs to approve the application.

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

RESOLVED

That planning application 2023/1535/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous

11 Planning Application 202/0910/FUL - Land East of Squires, Mardis Lane, West 5 Lydford, Somerset - Agenda Item 7

The Officer's Report stated that this application would be a departure from the existing adopted Development Plan, so in accordance with the scheme of delegation the application had been referred to the Planning Committee for determination. The application site was adjacent to, but fell outside of, the designated development limits.

In the summary, the Planning Officer said that the application would deliver one dwelling which should be given significant weight in the planning balance, particularly in the context of the lack of five-year housing land supply within the ex-

Mendip area. The proposed dwelling would not be considered isolated. The occupiers would have access to some services and facilities within the nearby villages of Lydford and Keinton Mandeville without having to necessarily rely on private vehicular travel. It would deliver simultaneously, economic and social benefits in the form of employment opportunities during the construction period.

No adverse impacts had been identified which would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF. Therefore on this basis, the proposed development represented a sustainable development and the application was recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. She also clarified that only 1 letter of objection had been received, not 2 as indicated in her report.

The Committee was then addressed by the agent for the application. He made the following comments:

- No part of the application site lies within a green or open space which is designated in the Local Plan, contrary to what the Parish Council had stated.
- A neighbouring property had been approved at appeal in 2016.
- The Conservation Officer had raised no objections and had complimented the application on its good quality design and materials.
- Both the Conservation Officer and the Planning Officer were content that there was no harm arising to the character of the area or setting of the nearest Listed Buildings.
- The lane only serves two existing dwellings, a stables and a sewage works. It would only require a short 70m drive along the lane to the new dwelling and would therefore not be prejudicial to highway safety.

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

- The concerns of the Parish Council regarding the design of the dwelling, its proximity to 4 listed buildings and safety of the lane should be taken into consideration.
- Why have permitted development rights been removed from the property?
- Considering that the Conservation and Planning Officer had no objections, it would be difficult to identify what harms would outweigh the benefits and therefore difficult to refuse.
- The building to the west of the site was approved in recent years and if access via the single-track lane was acceptable then, it still would be now.

In response to Members comments, the Legal Adviser made the following point:

- Although the development would be outside of development limits, as there is no 5-year housing land supply, the tilted balance would come into effect. This would mean that unless the Committee can identify harm, the fact the site is outside the development limits would not be a sufficient reason for refusal on its own. Paragraph 11d of the NPPF says that applications should only be refused if any adverse impacts would significantly and demonstrably outweigh the benefits.

The Planning Officer advised that permitted development rights had been removed in this location to ensure that the building could not get any bigger and to provide control for the protection of the nearby listed buildings.

At the conclusion of the debate, it was proposed by Councillor Bente Height 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 with 7 in favour and 3 abstentions.

RESOLVED

That planning application 2020/0910/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 7 in favour, 3 abstentions

11 Planning Application 2023/1850/FUL - Land at 364102 150298, Stockhill 6 Road, Chilcompton, Somerset - Agenda Item 8

The Officer's Report stated that this application would be a departure from the existing adopted Development Plan, so in accordance with the scheme of delegation the application had been referred to the Planning Committee for determination.

In the summary, the Planning Officer said that there were benefits to the proposal in terms of contribution to the housing shortfall within the Council area, and there would be some economic benefits for the duration of the construction phase. No demonstrable harm had been identified and the site was within walking distance of a primary school and other services, including public transport. The application site was situated outside of the development limits, but not in a remote location. As

there was no specific identified and demonstrable harm, and taking into account the limited benefits, the application was recommended for approval.

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

There were no public speakers for this application.

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

- Although just outside the Development limit, Chilcompton is the biggest village in the Mendip area with many facilities, so is in a sustainable location.
- Initial concerns of overdevelopment, but content that it would fit in with the location.
- The Environmental Protection Officer has reviewed this application and has no objections despite the small holding next door.
- The small holding has been located within the residential area for decades and there is no known history of complaints.

At the conclusion of the debate, it was proposed by Councillor Tony Robbins 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 2023/1850/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous

11 Planning Application 2023/0167/VRC - Duke of Cumberland Inn, Edford Hill, 7 Holcombe, Somerset - Agenda Item 9

At the start of this agenda item Cllr Robbins left the meeting due to his earlier Declaration of Interest at Agenda Item 3.

The Officer's Report stated that the application had been referred to the Planning Committee at the request of the Chairman and as the Officer's recommendation to refuse differed from that of the Parish Council.

Since the Officer's recommendation was completed on this application, approval had been granted for a self-contained car park away from the pub site under application number 2022/1618/FUL. Despite this, the proposed arrangements for deliveries to the pub and the changes to the use of the area for vehicular parking directly opposite the pub site were still considered unacceptable by Officers.

In the summary, the Planning Officer's report concluded that the removal of conditions 3 and 9 from 2020/0242/FUL would result in unacceptable harm in terms of amenity loss, highway safety impacts, loss of parking and visual harm. This harm would outweigh any benefits which might result from the removal of the conditions and the application 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 an objector to the application. The comments included:

- Speaking on behalf of the nearest neighbour whose access has been badly affected by the location of the rubbish bins.
- A prescriptive easement was already in place when the pub was purchased. This makes it difficult for the neighbour to enter his property or turn his car.
- All delivery vehicles are a disturbance and some arrive earlier than the conditioned 7.00 am. Removal of that condition would cause greater disturbance at earlier hours.

A representative from the Parish Council was the next to speak. He said the Parish Council had recommended approval of the application. The village has very few facilities and the pub was a great asset to the village. He noted that the application had been submitted over a year ago and objections dated back to February 2023. It was not acceptable to be making a decision based upon old information and that many of the issues raised in the objections had been resolved.

The final speaker was the applicant. He made the following comments:

- He has owned and operated the business for 14 years.
- There have 25 comments of support only 1 neighbour has made objections.
- The Parish Council are in full support.
- He has requested his suppliers not to make deliveries until after 7.00 am, but occasionally they do come earlier. This does not happen often.
- The Council has asked the neighbouring property owners if there has been

noise disturbance from the deliveries. None were identified apart from the 1 neighbouring property.

- The storage of the waste bins near to the windows of the pub is not ideal and causes a blockage in the road when the lorries come to empty them. There is also the odour and unsightly look to consider.
- Would like to return the bins to their original location in the north of the parking area opposite the pub and requests that Condition 9 is therefore removed.

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

- The concerns of both the owner and the neighbour are appreciated.
- Pubs are closing at a fast rate. They need support and restricting the hours that deliveries can be made is not supportive.
- The photographs provided to the Committee of overflowing bins are not representative of the situation as it stands now. They were taken during Covid restrictions.
- As a new car park has been approved for construction serving the pub, Condition 9 restricting could be removed once the new car park is operational.
- It is difficult to see how the harms would outweigh the benefits of this application.
- The current location of the bins directly under the windows of the pub is not ideal due to odours, vermin and being unsightly.
- An operational plan for deliveries could be required before the removal of Condition 9.

The removal or re-wording of Conditions 3 and 9 was discussed at length and culminated with the decision to approve the application but with the prior submission and approval of an operational plan for deliveries. Once the new car park had been built and was operational, Condition 3 would be amended to read deliveries would only be permitted between 6.00 am to 8.00 pm, including Public and Bank Holiday, but not on Sundays. Condition 9 would be removed in its entirety, but only when the new car park had been built and was operational.

At the conclusion of the debate, it was proposed by Councillor Martin Dimmery and seconded by Councillor Susannah Hart to approve the application contrary to the Officer's recommendation, but with amendments to the conditions as shown below.

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 2023/0167/VRC be **APPROVED** contrary to the Officer’s recommendation but subject to the following variations to the two conditions, namely that:

Condition 3 and Condition 9 of planning permission 2020/0242/FUL shall remain in full effect until:

1. an operational plan for deliveries has been submitted to and approved by the Council; and
2. the off-site car park approved pursuant to planning permission 2022/1618/FUL has been implemented and brought into use.

Thereafter, Condition 3 of planning permission 2020/0242/FUL shall be varied to read as follows:

“Condition 3 - Deliveries shall be taken at or despatched from the site only between Monday - Saturday 06:00 hours till 20:00 hours, and not at any time on Sundays”

and Condition 9 of planning permission 2020/0242/FUL shall be deleted in its entirety.

Votes – 7 in favour, 1 against and 1 abstention

11 Appeals Report - Agenda Item 10
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The report of decisions made by the Planning Inspectorate between 19 December 2023 and 22 January 2024 was noted.

(The meeting ended at 4.00 pm)

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CHAIR