

Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 25 March 2025 at 2.00 pm

**Present:**

Cllr Jason Baker (Chair)  
Cllr Peter Seib (Vice-Chair)

Cllr Mike Best  
Cllr Tim Kerley  
Cllr Sue Osborne  
Cllr Tom Power  
Cllr Mike Stanton

Cllr Andy Kendall  
Cllr Kevin Messenger  
Cllr Oliver Patrick  
Cllr Martin Wale

**84 Apologies for Absence - Agenda Item 1**

Apologies were received from Councillor Jenny Kenton (Councillor Steve Ashton in attendance as substitute) and Councillor Stephen Page.

**85 Minutes from the Previous Meeting - Agenda Item 2**

Resolved that the minutes of the Planning Committee - South held on Tuesday 25<sup>th</sup> February be confirmed as a correct record.

**86 Declarations of Interest - Agenda Item 3**

There were no declarations of interest received.

**87 Public Question Time - Agenda Item 4**

The Chair advised that one member of the public had registered to ask a question under Public Question Time and invited Emma Snead to address the committee. The question, which had been submitted in advance of the meeting was;

*My question relates to the news that two King's Counsel, including one appointed by Somerset Council, have agreed that nutrient neutrality mitigation can be achieved by relying on third party actions, such as Wessex Water's new treatment facilities designed to remove 17 tonnes of phosphate per year to accommodate future housing growth. Assuming the Council will want to pursue, with the utmost urgency, this opportunity to unblock the development pipeline, the next issue that needs urgent attention is the slow progress on agreeing section 106 agreements.*

*Outstanding s106 agreements are another major impediment to reaching a 5-year housing land supply in South Somerset – but one largely in the control of the Council itself. Given this tremendous opportunity, what steps is the South Somerset planning team taking to increase the rate of section 106 review and agreement, to ensure the area reaches a deliverable 5-year housing land supply as soon as possible, and is able to return to plan-based decisions?*

The Lead Planning Officer in attendance read a statement in response as follows.

*At the Strategic Planning Committee meeting on 17<sup>th</sup> March, Cllrs were informed that the awaited KC opinion had arrived and that it would be published shortly. The legal opinion, jointly commissioned by Somerset Council and Cllr Hobhouse, sought to clarify the position on the extent to which Wessex Water's investment in WwTW upgrades and associated headroom can be relied upon as mitigation, for the purposes of undertaking an 'appropriate assessment' under the Habitat Regulations. The recording of the meeting and a copy of the legal opinion will be published shortly. Officers are working through the next steps and collating the evidence required, as advised in the opinion. At the current time it remains necessary for impacted developments to demonstrate nutrient neutrality and secure the required phosphate mitigation in order to secure planning permission. In terms of legal resource the Council has secured additional external support to assist with progressing s106 agreements and other legal matters. However please be aware that this alone will not resolve the Council's five-year housing land supply position. The Government's new standard method, published in December 2024, has resulted in a 41% uplift in Somerset's housing requirement and this is now a major factor impacting on Somerset's ability to demonstrate a five-year housing land supply. The Council is working on a new Somerset wide Local Plan to identify sufficient sites to meet the new housing requirement. It is a high priority of the Council to get a Local Plan adopted as soon as possible so that we can have up to date policies and demonstrate a five-year housing land supply to reduce the risk of speculative housing development. The production of a Local Plan must follow defined stages as set out by legislation, must be informed by a wealth of evidence base studies and involve statutory consultation and engagement. Nationally Local Plans take an average of 7 years to produce, and Somerset Council is not unique in facing this challenge and shortfall in five-year housing land supply. In the absence of an up-to-date Local Plan, a Council's five year housing land supply position is also impacted by starts and completion rates on sites. Councils have very limited ability to influence these. Housing completions and starts on site are dropping nationally due to a number of factors including high borrowing costs, market uncertainty, increasing construction costs and labour and skills shortages. In Somerset and other areas nationally, the high cost of delivering supporting infrastructure (new schools, transport improvements, health contributions and community facilities) and other environmental obligations (such as BNG and nutrient mitigation), are also impacting the viability of sites and delaying the determination of sites. Uncertainty on the availability of affordable housing grant and securing housing association partners also impact on site delivery, as many developers rely on affordable housing delivery (particularly on large scale sites) to assist with cashflow and derisking site delivery. All of these issues impact on the Council's ability to meet its housing requirement and demonstrate a five year housing land supply.*

**88 Planning Application 20/01414/FUL - Lampreys Lane, South Petherton, Somerset - Agenda Item 5**

The Lead Planning Officer presented the planning application, which had been deferred from the previous meeting to allow review of plot 1 in the interests of achieving high quality design and protecting residential amenity. He advised that the agent has since submitted amended plans, and it is now proposed that plot 1 would be occupied by a bungalow and not a 2-storey dwelling.

The application was recommended for approval subject to conditions and s106 Agreement. Delegated to the Head of Planning in consultation with the Area Chair (South).

There were no members of the public registered to speak.

The Chair invited any further questions from members, and following a brief Q&A with the Lead Planning Officer, members debated the application. Members felt reassured that deferral of the application at the previous meeting had resulted in a positive outcome for all concerned, and the division member Cllr Stanton expressed his gratitude for the changes that had been made to the proposals since the last meeting. At the conclusion of the debate Cllr Stanton proposed to move the officer's recommendation to approve the application. This was duly seconded by Cllr Power and when put to the vote was carried by 11 in favour and 1 abstention.

**Resolved**

That Planning application 20/01414/FUL Erection of 18 dwellings with associated vehicular access, garaging, sustainable drainage, and landscaping at Lampreys Lane, South Petherton, Somerset be **APPROVED** subject to conditions and s106 Agreement, delegated to the Head of Planning in consultation with the Area Chair (South).

Voting: 11 in favour, 1 abstention.

**89 Planning Application 24/01203/FUL - Manor Farm, Pound Lane, Yarlinton, Wincanton, Somerset, BA9 8DG - Agenda Item 6**

The Planning Officer presented the application as detailed in the agenda report and with the aid of a Powerpoint presentation to highlight key elements of the proposal including:

- Site location.
- An indicative masterplan.
- Surface water drainage and attenuation pond for run off.
- Technical drawings of the landscaping.
- Elevations.
- Detailed Internal layouts of the new buildings.

- Images of the buildings to be demolished.
- Hedgerow management plans.
- Public rights of way in and around the site.
- The Newt in Somerset visitor information.
- Yarlington Neighbourhood Plan compliance rationale.
- Site photographs/viewpoints.

He advised that 10 members of the committee had attended a site visit on the 19<sup>th</sup> and 20<sup>th</sup> March. At the conclusion of the presentation, he highlighted the material planning considerations for members, as detailed within the published report.

The application was recommended for approval subject to the prior completion of a section 106 agreement and the stated planning conditions, to be delegated to the Head of Planning in consultation with the Area Chair (South).

Several members of the public addressed the committee in objection to the application. Their comments included:

- Emily Estates does not have a proven need this development.
- The Council's biodiversity checklist has not been completed. There is clear evidence of badger sets within 5m of the site.
- Emily Estates already generate more light than is legally acceptable.
- A larger herd will exacerbate phosphate issues on the land.
- The development creates a loss of grade 1 Agricultural land.
- There are alternative locations for this type of development.
- The proposed development is in a flood zone and will worsen flood risk for the community.
- The development will destroy the rural character of the landscape.
- There will be very little positive impact on the local economy.
- The proposal does not comply with the Yarlington Neighbourhood plan.

Several members of the public addressed the committee in support of the application. Their comments included:

- This will bring a much-needed boost to the agricultural industry in Somerset
- A new yard will centralise the housing of herds and increase efficiency of the farm, whilst removing farm traffic, noise and other nuisance from the local roads.
- High standards in animal welfare are at the core of the design for the new yard.
- This development creates jobs is an opportunity to inspire, educate and train future farmers
- The proposed development will bring benefits to the community in terms of flood mitigation.
- Every endeavour that Emily Estates have delivered have been done to the highest standards.

The Division Member, Councillor Hobhouse, spoke in support of the application, and advised that he does have a financial interest in the proposal due to his business relationship with the landowner. He asked that the committee consider that the removal of the existing Manor Farm is crucial for the people who live nearby, who have suffered for years with issues from Manor Farm in its current state. i.e flooding, traffic, noise, farm waste.

In response to questions from Members, the Planning Officer advised that:-

- Neighbourhood plans are given equal weight to Local Plans.
- Land taken 22,813 m<sup>2</sup>, and 11,467 m<sup>2</sup> returned.

At the conclusion of the debate during which members were largely supportive of the proposals, the officer's recommendation to approve the application was proposed by Councillor Stanton and seconded by Councillor Wale. When put to the vote, the proposal was carried by 11 in favour, 1 against.

### **Resolved**

That Planning application 24/01203/FUL Demolition of existing agricultural buildings and associated yards and landscape restoration of cleared area; replacement farm buildings and yard area with associated new access link to existing farm track, drainage infrastructure, and landscape works be **APPROVED** subject to the prior completion of a section 106 agreement to secure Biodiversity Net Gain and the stated planning conditions, to be delegated to the Head of Planning in consultation with the Area Chair (South).

Voting: 11 in favour, 1 against.

### **90 Planning Application 24/00793/FUL - Land At Manor Farm, Kitchens Lane, Lopen, South Petherton, Somerset, TA13 5JP - Agenda Item 7**

The Planning Officer presented agenda items 7 (24/00793/FUL) and 8 (24/00794/LBC) together with the aid of a Powerpoint presentation highlighting the key elements of the proposals including:

- Site location
- Proposed plans
- Elevations
- Existing site photographs

He advised that these applications were being brought to committee because Somerset Council are the applicants. He confirmed that since the report was published legal advice had been sought, and contrary to what is currently stated in para 3.1, it is recommended that a legal agreement in the form of a deed poll is required, with a reinforcing Grampian condition to ensure that the buyers of the land enter into a S106 agreement that secures the relevant nutrient neutrality obligations. See decision below for full details.

There were no members of the public registered to speak.

In response to questions from Members the Planning Officer confirmed that:-

- Solar PV is not recommended as it would not be in keeping with the rural character and historic setting of the area.
- The parking can be managed so that residents are parking in designated parking spaces only.
- The Councils Conservation officer officer has concluded that whilst the concerns raised by the Society for the Protection of Ancient Buildings and the Council for British Archaeology are noted, great weight is given to the views of the Somerset Council Conservation Officer and the conditions recommended will be imposed in the event that permission is granted.

During debate members were largely supportive of the proposals, and taking the applications in turn;

Planning application 24/00793/FUL Councillor Kerley proposed to move the officer's recommendation to approve the application, and this was seconded by Councillor Power. On being put to the vote, the proposal was carried by 9 in favour and 1 abstention.

For the associated listed building consent 24/00794/LBC Councillor Seib proposed to move the officer's recommendation to approve the consent, and this was seconded by Councillor Power. On being put to the vote this was carried by 10 in favour.

## **Resolved**

That planning application 24/00793/FUL Conversion of a range of traditional curtilage listed buildings into 5 dwellings at land At Manor Farm, Kitchens Lane, Lopen, South Petherton, Somerset, TA13 5JP be **APPROVED** subject to the stated planning conditions and the prior completion of an appropriate deed securing obligations required to meet nutrient neutrality measures conditions, and an amendment to conditions 21 and 23 as follows:

Condition 21: -

No development shall be carried out until an appropriate Section 106 agreement is entered into by the relevant parties to secure the following nutrient neutrality measures:

- Provision of evidence that the PTP being used for mitigation has been installed, and the existing septic tank has been decommissioned, prior to occupation of the development, as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by Halpin Robbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by Halpin Robbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP being used as mitigation – this should show that the PTP will be maintained in perpetuity (80-125 years)

- Provision of evidence that the PTP(s) being installed to serve the development is installed as detailed in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024.
- Provision of a management and monitoring plan for the PTP(s) being installed to serve the development - this should show that the PTP(s) will be maintained in perpetuity (80-125years)
- Provision of an implementation, management and monitoring plan for the water saving devices being installed in the Farmhouse to ensure that the water usage is brought down to 120l/p/d, as described in the Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provided by HalpinRobbins, 14 August 2024, and the Shadow Habitats Regulation Assessment provided by HalpinRobbins, 09 October 2024. This should show that the water saving devices will be maintained in perpetuity (80-125years) and replaced when needed.

Reason: In the interests of the integrity of a European site, the 'Favourable Conservation Status' of populations of European Protected Species and UK protected species, UK priority and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006, and in accordance with Somerset District Council Local Plan - Policy EQ4 Biodiversity and Chapter 15 of the National Planning Policy Framework

Condition 23: -

Prior to progression of any part of the development hereby permitted above damp proof coursing, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- b) All proposed hardstanding and boundary treatment, including the area adjacent to the parking spaces for barns C,D and E. Details shall include the size/design of any gates, walls and fences

All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing vegetation to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping (including details of the access) details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: To ensure the landscaping is of a high quality in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Voting: 9 in favour, 1 abstention.

**Lopen, South Petherton, Somerset, TA13 5JP - Agenda Item 8**

See minutes for agenda item 7.

**Resolved**

That application 24/00794/LBC Conversion of a range of traditional curtilage listed buildings into 5 dwellings at Land At Manor Farm, Kitchens Lane, Lopen, South Petherton, Somerset, TA13 5JP be **APPROVED** subject to conditions, as per the officer's recommendation.

Voting: 10 in favour.

**92 Appeal Decisions (for information) - Agenda Item 9**

Members noted the appeal decisions.

**(The meeting ended at 5.15 pm)**

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**CHAIR**