

# Public Agenda Pack



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, 1 August 2023 at 2.00 pm

## Present:

Cllr Nick Cottle (Chair)

Cllr Edric Hobbs (Vice-Chair)

Cllr Adam Boyden

Cllr Dawn Denton

Cllr Susannah Hart

Cllr Helen Kay

Cllr Tony Robbins

Cllr Barry Clarke

Cllr Martin Dimery

Cllr Bente Height

Cllr Martin Lovell

Cllr Claire Sully

## 32 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillor Alex Wiltshire.

## 33 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 4 July 2023.

Councillor Helen Kay proposed some amendments as follows:

On page 23, in the committee discussion, the 5<sup>th</sup> bullet point to read “**cost of running of** the air source heat pumps **and the noise emitted**”. This was proposed by Councillor Helen Kay and seconded by Councillor Claire Sully. There were 5 in favour and 2 against this proposed amendment, therefore the proposal was carried.

She also proposed a change to the 6<sup>th</sup> bullet point to add “**which if found to be a problem might lead to ‘viability’ issues for the developer and result in them reapplying for permission with fewer affordable homes.**” The amendments were proposed by Councillor Helen Kay and seconded by Councillor Susannah Hart. There were 8 votes in favour and none against.

Subject those amendments, the Minutes were approved as a true and accurate record of the meeting.

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

There were none.

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

There were none.

**36 Schedule of Applications** - Agenda Item 5

This was noted.

**37 Application 2020/0832/OTS Land at 345552 136293 Main Street Walton Street Somerset** - Agenda Item 6

**Application for Outline Planning Permission for the erection of 6 dwellings with all matters reserved except access.**

The Officer's Report stated that this application had been referred to the Planning Committee as the site was located outside the housing settlement limits so would be a departure from the existing adopted Development Plan. The Officer Recommendation was for approval.

The Report continued that the site was located adjacent to the Main Street (the A39) in Walton, Street and the application sought outline planning consent for 6 dwellings with only the means of access to be determined by this application.

The Divisional Member had requested the application be referred to the Committee. The Parish Council had objected to the application and there had been 3 letters of objection and 1 supporting comment from local residents. The concerns included:

- Development would be outside the development limits and would create urban sprawl
- Impact on the environment
- Highway safety
- Loss of privacy for neighbouring dwellings

In conclusion, the Officer's Report said that significant weight should be given to the NPPF which encouraged delivery of sustainable development, and the lack of a five-year housing supply in the Somerset East area. The proposal would deliver economic, social and environmental benefits. The Report recognised the impact of living conditions and loss of privacy but said there was sufficient space within the

site to accommodate the number of dwellings proposed. Overall, the development was sustainable and the application was therefore recommended for APPROVAL subject to conditions and planning obligations secured in a S106 legal agreement.

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. His comments included:

- The proposed access is already used by 4 dwellings.
- Exit onto the A39 is on a blind bend. There had been 3 car accidents recently.
- A construction site opposite the exit where 9 further dwellings are being built will make it even more dangerous.
- The site is outside the development limits.
- The bat survey referred to was not done for this application but was carried out for a previous application and did not mention presence of bats, which are evident.
- Walton is a small village and has already had 44 new houses in the past year. It has had more than its fair share of new dwellings.

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

- The development was outside the development limits of the parish and would spoil the entrance to the village and erode the green area.
- 54 homes had been completed or consented since March 2017 and anything proposed outside the development limits should now be refused.
- The proposal is to use existing access but this is on a dangerous curve in road and would increase the hazard.
- The biodiversity net gain had not been demonstrated.

Councillor Ros Wyke then spoke. She advised that she was the Divisional Member. She opposed the application for reasons of highway safety and the significant amount of traffic already using the road to access the motorway. Also, it was outside the development boundary and it would be a mistake to keep adding more houses outside of the limits. She also had environmental concerns such as the lack of biodiversity net gain.

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

- Walton is a secondary village. The housing target is a minimum.
- It is a sustainable village and is not in a remote location.
- A pedestrian crossing and pavement link will be built to ensure pedestrian safety.
- Without a 5-year housing supply the presumption is in favour of sustainable

development.

- The application should be approved unless significant harm that outweighs the benefits can be demonstrated.
- No harm has been identified by the statutory consultees.

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

- The road is very busy and dangerous. Many drivers do not abide by the 30mph speed limit and many travel at much higher speeds.
- Access onto this road from this site is dangerous.
- The location is not sustainable.
- It is not right to continue to develop outside the development limits.
- There needs to be consistency in the approval of planning applications outside the development limits.
- There must be a safe way for pedestrians to leave the site. At a minimum a tactile crossing but would prefer a zebra or pelican crossing for pedestrians.
- Turning cars off the main road into the site would cause a tailback.
- The proposed site is currently designated agricultural land.
- Walton has already had 54 new builds since 2017.
- The ecological report was written in 2018 and is only valid for 3 years.
- The application should be refused or deferred to allow an up-to-date ecology report to be completed.
- Extend the 30mph speed limit to cover the village in full.

The Highways Officer advised Members that there had not been a history of accidents along that stretch of road and speeding of vehicles was a matter for the Police to enforce. The number of properties proposed was not extreme and road safety was not a concern for Highways Officers. She added that, technically, an alternative pedestrian crossing could be built including a pedestrian island but this would be at the expense of the applicant. Finally, a right-hand turn lane into the site was not feasible for a development of this size. Any change of speed limit would require a traffic regulation order which may not necessarily be approved.

The Legal Advisor reminded Members that this was an outline application with all matters reserved except for access. Therefore, layout, size of dwellings, materials etc. was not for consideration at this point. Also, to refuse the application for reasons of highway safety may be difficult to defend at appeal as the Highway Authority had not objected. As there was no 5-year housing land supply, Members must apply the 'tilted balance in their consideration's i.e., the authority should approve the application unless the harms of the development would significantly and demonstrably outweigh the benefits. Being outside the development limits would not be sufficient reason for refusal on its own.

The Team Leader – Development Management added that when the ecology report was submitted with the application in 2020, it was in date. The ecologist had reviewed the application and the proposed conditions were set out in the Report. He advised Members to recognise the County Ecologist’s advice.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Bente Height to refuse the application contrary to the Officer’s Recommendation due to the site being outside the development limits and for reasons of highway safety. Councillor Helen Kay suggested that another reason for refusal was that the development would be unsustainable given the amount of housing already built in Walton. This was accepted by Councillor Sully and Height and incorporated into their motion.

Councillor Edric Hobbs proposed that the application be deferred to allow the applicant to propose improvements to road safety including a safer pedestrian crossing. This was seconded by Councillor Barry Clarke. However, the Legal Advisor explained that Councillor Sully’s substantive motion would need to be voted upon first and, if carried, the application would be refused.

On being put to the vote, the substantive motion to refuse was carried with 8 votes in favour and 4 votes against.

## **RESOLVED**

That planning application 2020/0832/OTS be REFUSED contrary to the Officer’s Recommendation for the following reasons:

1. The development was outside the development limits and was not sustainable considering the amount of new dwellings already built in the village in recent years.
2. For reasons of highway safety including traffic speeds and inadequate pedestrian crossings.

### **38 Application 2021/2070/OTS Land at 354940 138061 Newtown Lane West Pennard Glastonbury Somerset - Agenda Item 7**

**Application for Outline Planning Permission with all matters reserved except for access for the erection of 1 x 4-bedroom dwelling house.**

The Officer’s Report stated that this application had been referred to the Planning

Committee as the site was located outside the settlement limits so would be a departure from the existing adopted Development Plan. The Officer Recommendation was for approval.

The Report continued that the site was located outside, but adjacent to the southern boundary of the development limit of West Pennard, which was designated as a 'secondary village' in the Local Plan. Only the means of access was to be determined by this application.

West Pennard Parish Council had objected to the application for reasons of highway safety and inappropriate use of agricultural land. Three letters of objection had been received from local residents for reasons including:

- Site is outside development limits.
- It could set a harmful precedent.
- Loss of high-quality agricultural land.
- Highway safety concerns for road users and pedestrians.

In conclusion, the Officer's Report said that although the site was outside the development limits of West Pennard, the Council could not demonstrate a five-year housing land supply in the Somerset East area, meaning the tilted balance was engaged and a refusal could only be justified in the event that harms were 'significant and demonstrable'.

The dwelling would sit immediately adjacent to the development limit and other residential development and would replicate the density and integrate to the spatial characteristics of the locality. Harms of the development would include increased traffic, including an access near an existing road junction, loss of an agricultural field and minor increased pressure on services including the local school. Overall, the harms in this case were not considered 'significant and demonstrable'. Therefore, the principle of development and the impacts of development were concluded to be acceptable.

The application was 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 the applicant's agent. He made the following points:

- The access proposed meets the highways requirements.
- The visibility splays are as per the limits required.
- The application includes current ecological reports and storm water management reports.

- The site adjoins the edge of the development limit and the land is grade 3 agricultural land, meaning minimum loss of high-quality farming land.

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

- The site is only just outside of the development limits and is really an infill site. Seems to be acceptable as a location for the development.
- Even if land is Grade 3 it is still agricultural land.
- Concern about removal of hedgerows – can replanting be conditioned?
- No comment from Highways appears on the planning portal.

In response, Officers made the following comments:

- There were no objections from Highways – standing advice applies as per the Officer's Report.
- The 'tilted balance' applies and although there is harm recognised, it is not significant or demonstrable.
- Hedge replanting will be addressed at reserved matters.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer Recommendation set out in the Report. On being put to the vote the proposal was carried with 10 votes in favour and 2 abstentions.

## **RESOLVED**

That planning application 2021/2070/OTS be APPROVED in accordance with the Officer's Recommendation.

### **39 Application 2022/1455/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 8**

#### **Application for the installation of 4no. floodlights at show tennis court**

This application, and applications 2022/1456/FUL - installation of 4no. floodlights at triple court and 2022/1521/FUL - installation of 6no. floodlights at hockey pitch, were presented by the Planning Officer and debated by the Planning Committee all together. The votes were taken individually for each application.

The Officer's Report stated that these applications had been referred to the Planning Committee because the Town Council supported the applications whereas the recommendation by the Planning Officer was to refuse them all.

Three applications had been submitted for floodlights in close proximity to each other at this site. These were:

1. 2022/1521/FUL - 6 floodlights at hockey pitch
2. 2022/1456/FUL - 4 floodlights at triple court/netball courts
3. 2022/1455/FUL - 4 floodlights at show tennis court

The applications proposed to operate the lighting as needed between 7am and 8pm.

The Report continued that the sites were outside the development limits of Glastonbury. They were designated as Open Space (protected under LP1 policy DP16) and were within the Somerset Levels and Moors Ramsar catchment area. Glastonbury Tor was located approximately 1.2 km to the northwest of the proposed developments and was a Special Landscape Feature, scheduled monument and St Michael's Church Tower was Grade I listed. There were various other heritage assets in proximity to the sites, including listed buildings scheduled monuments and the Glastonbury Conservation Area.

There had been objections to the applications from the Council's Conservation and Ecology Officers and 1 letter of objection from a local resident had been received.

Objections included:

- Harm to ecology
- Harm to landscape and rural character
- Inadequate mitigation proposed.

In conclusion, the Officer's Report said that the benefits of these proposals included enhanced facilities and increased use of sports pitches. This may result in some increased sports provision to the local area. However, it was recommended that planning permission be REFUSED for all 3 applications due to the landscape harm identified, heritage harms which are not outweighed by public benefits and insufficient information submitted to demonstrate there would not be harm to protected species.

The officer informed the committee of additional information that has been submitted since the publication of the Officer Report. This included the submission of a community use agreement. The officer confirmed that this additional information did not alter the conclusions reached in the report.

The Committee was then addressed by the applicant's agent who made the following points:

- The floodlights would enhance the sporting facilities.



- They will only be used during the winter at the timings specified, i.e. would be switched off by 8pm every evening.
- The applicant had commissioned a detailed ecology survey which found that the proposals were acceptable under current ecology legislation.
- The impact on the heritage asset would be minimal. There had been no objections by Historic England.
- The school is committed to encourage the use of the facilities the community.

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

- The site would be visible from the Tor and will have a detrimental effect on the heritage asset of the Tor and Church.
- Support for Millfield School which has been very generous with its facilities.
- Not many people will be climbing the Tor in the hours of darkness during the winter months.
- The height of the floodlights seems too high and would impact on the neighbour's amenity.
- Acknowledge that they would provide some public benefit.
- The 400 lux will have light spill into surrounding hedgerows and major detrimental effect on the ecology of the area.
- The view from the Tor at sunset would be ruined and public amenity would be affected.

At the conclusion of the debate, it was proposed by Councillor Adan Boyden to defer the application for more information on the effects of ecology and protected species, but this was not seconded.

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 5 votes in favour and 7 vote against the proposal.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the impact on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 7 votes in favour and 5 votes against.

## **RESOLVED**

That planning application 2022/1455/FUL be REFUSED in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

**40 Application 2022/1456/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 9**

**Application for installation of 4no. floodlights at triple court**

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 4 votes in favour and 8 votes against the proposal.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the effect on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 8 votes in favour and 4 votes against.

**RESOLVED**

That planning application 2022/1456/FUL be REFUSED in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

**41 Application 2022/1521/FUL Millfield Preparatory School Edgarley Road Edgarley Glastonbury Somerset - Agenda Item 10**

**Application for installation of 6no. floodlights at hockey pitch.**

It was proposed by Councillor Susannah Hart and seconded by Councillor Bente Height to approve the application, contrary to the Officer's Recommendation. On being put to the vote the proposal was not carried with 4 votes in favour and 7 votes against the proposal. There was 1 abstention.

Councillor Helen Kay then proposed to refuse the application in accordance with the Officer's Recommendation, with an additional reason being the impact on dark skies. This was seconded by Councillor Edric Hobbs. On being put to the vote the proposal was carried with 6 votes in favour and 5 votes against. There was 1 abstention.

**RESOLVED**

That planning application 2022/1521/FUL be refused in accordance with the Officer's Recommendation with an additional reason for refusal being the impact on dark skies.

**42 Application 2023/0687FUL Middle Ivythorn Farm Ivythorn Lane Walton Street**  
- Agenda Item 11

**Application for the construction of driveway and change of use of land to garden.**

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal was a departure from the existing adopted Development Plan. The Recommendation was for approval.

The Parish Council had recommended refusal for the following reasons:

- Not a conversion as the original barn is not being reused.
- The site is within the minerals safeguarding distance of Halecombe Quarry and objections were raised by Minerals and Waste Policy on a similar application nearby.
- Impact on the setting of the Grade 1 listed church.

There had been 1 letter of objection and 2 letters of support received.

In conclusion, the Officer's Report said that, whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan, it could not be described as being in isolated open countryside. As the Council does not have a five-year housing land supply in the Somerset East area, the 'tilted balance' would apply. The additional 3 dwellings would make a modest contribution to housing in the t Somerset East area, which is of some weight. There would also be limited economic benefits through the construction period, and new occupants of the village result may use local services and facilities contributing to their long-term viability.

The application would not have any harm in terms of landscape and visual impact, impact on heritage assets and/or highway safety concerns. Overall, any harm arising from the application scheme were not considered to significant and would not demonstrably outweigh the benefits delivered. On balance, it was recommended that the application be APPROVED.

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

The applicant's agent then addressed the Committee. She said that the proposal would improve highway safety given the very poor visibility from the existing access and improve the safety of vehicle movements to, from and within the site. The application would also provide increased garden space mainly to the rear of the property as there is currently very little.

The Vice-Chair, Councillor Edric Hobbs, said he saw no problems with the application and proposed that it should be approved in accordance with the Officer's Recommendation. This was seconded by Councillor Helen Kay. On being put to the vote, the proposal was carried with 10 votes in favour and 1 abstention.

**RESOLVED**

That planning application 2023/0687/FUL be APPROVED in accordance with the Officer's Recommendation.

**43 Application 2023/1084/FUL Land at 369311 147357 Quarry Lane Leigh On Mendip Shepton Mallet Somerset - Agenda Item 12**

This application was deferred to a future meeting.

**(The meeting ended at 5.10 pm)**

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**CHAIR**