

Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Tuesday, 23 July 2024 at 2.00 pm

Present:

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

Cllr Mike Best
Cllr Andy Kendall
Cllr Tim Kerley
Cllr Sue Osborne
Cllr Evie Potts-Jones
Cllr Martin Wale

Cllr Henry Hobhouse
Cllr Jenny Kenton
Cllr Kevin Messenger
Cllr Oliver Patrick
Cllr Tom Power

In attendance:

Cllr Tony Lock

10 Apologies for Absence - Agenda Item 1

There were no apologies for absence.

11 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on 28 May 2024 be confirmed as a correct record.

12 Declarations of Interest - Agenda Item 3

Councillor Evie Potts Jones declared a Non-Registrable Interest in Item 5 Planning Application: 22/00765/OUT as her parents owned land near to the site. She confirmed that she would leave the meeting when the item was considered.

Councillor Peter Seib advised that relating to Planning Application: 23/02871/OUT he had previously had involvement with a charity which owned land at the site however they had now transferred ownership to the Somerset Community Foundation. Therefore he had no interest in the site.

Councillors Jason Baker, Sue Osborne and Martin Wale noted that as previous District Councillors they had been members of the Regulation Committee which had determined Planning Application: 23/02871/OUT. They confirmed that they would

view the current application and information afresh with an open mind.

13 Public Question Time - Agenda Item 4

There were no public questions from members of the public present at the meeting.

14 Planning Application 22/00765/OUT - Scotts Nurseries (Merriott) Ltd, Higher Street, Merriott, TA16 5PL - Agenda Item 5

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.
- A reminder that this was an outline application with all matters reserved except access.
- Details of the 3 proposed vehicle and cycle access points.
- The proposed net developable area and the area within the site which did not form part of the application.
- The Tree Preservation Orders and Listed Buildings within the site.
- The benefit of providing housing and affordable housing.
- The proposal was within the direction of growth in the Local Plan.

She referred to the key considerations being the principle of development, Design, Landscape and Heritage, Residential Amenity, Highways, Ecology and Phosphates.

The application was recommended for approval subject to conditions and the prior completion of a section 106 planning obligation to secure affordable housing and contributions towards education and the NHS and other contributions as set out in the agenda report.

Two members of the public addressed the committee in objection to the application. Their comments included the expected road use around the site, the narrow roads, blind corners, on street parking limiting the road to single width, other recent developments also using the roads and poor visibility at the access sites.

A representative of Merriott Parish Council referred to planning policy SS2 relating to the hierarchy of a rural settlement. He said the housing needs of the village were already met by other proposed developments. The site was not registered as a brownfield site and it could be sold to a garden centre group.

The Division Member, Councillor Jo Roundell Green said the site was previously a garden nursery which had been derelict for some time. She noted that Policy SS4 restricted sites of development in rural settlements to 1ha to protect the character of the community however, the site was 3.15ha in size. The 3 access roads were inappropriate onto rural roads, there was no doctors surgery in the village. She asked that the application be refused.

The Agent for the Applicant then addressed the committee. He advised that since

the closure of the business in 2009 the buildings had fallen into disrepair. The application had been planned for a number of years to include a landscape and ecology scheme and would deliver genuine green spaces. They had worked closely with planning officers to address their concerns and so there were no technical objections to the application.

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

- The contributions to leisure facilities would include a play area
- The pond was an attenuation feature and would be dealt with in the Reserved Matters application.
- Of the definition of previously developed land from the National Planning Policy Framework.
- The proposed height of the development varied between 2 to 3 stories but this would be detailed at Reserved Matters.
- The application was submitted prior to the requirement to achieve 10% biodiversity net gain. Only a measurable net gain was required and this would be detailed at Reserved Matters.
- The NHS Integrated Care Board and Education Authority were consulted on the application and contributions towards them were part of the proposal.
- The Highway Authority were aware of other developments in the area and the trip generation would have included traffic generated when the garden centre had been open.
- Policy SS2 relating to settlement hierarchy had limited weight attached to it as the Council could not demonstrate a 5 year housing land supply.

Councillor Henry Hobhouse advised that Section 63 of the Conservation of Habitat & Species Regulations 2017 required a screening assessment in the planning application report. He felt the report did not meet the mitigation requirement. He proposed the application be deferred until the information was made available in the report and this was seconded by Councillor Kevin Messenger. The Chairman adjourned the meeting to confer with officers.

On re-convening the meeting, the Legal Officer and Service Manager for Development Management advised that Somerset Ecology had contributed to the officer's report with their Habitat Regulation Assessment and this had been agreed by the Council's Ecologist in conjunction with Natural England. The report which had been undertaken was not part of the agenda papers but was publicly available and published within the planning file on Council's website.

A vote was taken on the proposal by Councillor Hobhouse to defer the application and the voting was 2 in favour, 8 against and 1 abstention. The vote was therefore lost.

During discussion, the following points were made by Members:-

- Affordable housing should be allocated to local families
- Concern at local NHS capacity
- The Highway Authority had not raised any concerns regarding the access points

- If the land was sold to a garden centre operator then the vehicle movements could increase
- The site was on the edge of the village and two recent sites nearby had been granted permission on appeal

At the conclusion of the debate, the officer's recommendation to approve the application was proposed by Councillor Oliver Patrick and seconded by Councillor Tim Kerley. When put to the vote, the proposal was carried by 6 in favour, 5 against and 1 abstention.

Resolved:

That planning application 22/00765/OUT for the outline planning application for residential development of up to 70 dwellings with associated works (details of access to be determined) at Scotts Nurseries (Merriott) Ltd, Higher Street, Merriott, Somerset, TA16 5PL be APPROVED as per the officer recommendation, the following reason:

The Council's lack of a five-year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with access to a range of services and facilities and would result in the effective re-use of previously development land. The proposal is not considered to result in such a significant and adverse impact upon visual amenity, residential amenity, highway safety, flood risk/drainage or ecology/biodiversity as to justify a refusal of planning permission. Therefore, in terms of the 'planning balance', it is considered that there are no adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing up to 70 dwellings in this sustainable location. The proposal is considered to be in accordance with Policies SD1, SS1, SS2, SS4, SS5, SS6, HG3, TA1, TA4, TA5, TA6, HW1, EQ1, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan 2006-2028, and the aims and objectives of the NPPF.

Approve subject to conditions and a Section 106 that secures the following obligations:

1. The provision of affordable housing
2. Contribution towards the provision of sport, play, open space and strategic facilities
3. Highway infrastructure and works
4. Education contribution
5. Travel Plan
6. Management of Public Open Space
7. NHS Contributions
8. Phosphate mitigation strategy

(voting: 6 in favour, 5 against and 1 abstention)

15 Planning Application 19/00655/OUT - Land OS 9609, Brewham Road, Bruton - Agenda Item 6

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

- Site location
- Proposed plans

He confirmed the application had previously been approved by the South Somerset District Council Regulation Committee subject to a S106 agreement. The application had been held up by the phosphate mitigation issues and so the decision notice had not been issued. The applicant had now purchased phosphate credits and additional conditions to mitigate phosphates from the site. Contributions towards the NHS had been agreed and would be added to the Section 106 Agreement.

He referred to the key consideration being the principle of the development as established by the decision of the SSDC Regulation Committee, drainage, highway safety and efficiency, pedestrian infrastructure and the agreed NHS contributions.

The application was recommended for approval subject to conditions and additional conditions as set out in the agenda report and the amended Section 106 Agreement.

Three members of the public addressed the committee in objection to the application. Their comments included potential breaches of the Equalities Act, the European Convention of Human Rights and the Road Traffic Act, the number of objections raised, cumulative impact with other developments, narrow footpaths and pedestrian safety.

A representative of Bruton Town Council referred to the dangerous site access and the highway consultant engaged by the Town Council on the previous application determined.

The Division Member, Councillor Lucy Trimnell, spoke in opposition to the application. She said the roads would not cope with the additional traffic which the site would generate, pedestrian safety was already an issue and the Local Lead Flood Authority drainage condition was concerning with run-off into the river Brue.

The Agent for the Applicant noted the application had previously been granted consent and the phosphate mitigation scheme now agreed through a package treatment plant and phosphate credits was an acceptable solution.

The Planning Officer noted that the Highways Officers had confirmed that the off-site highway works were suitable and the installation of pavements and traffic calming measures making priority access were acceptable to them.

The Legal Officer reminded the Committee that the application had previously been approved by the South Somerset District Council Regulation Committee and their decision was a material consideration.

In response to a question, the Lead Specialist for Planning confirmed that although the Committee were determining the application afresh, the previous decision of the

South Somerset District Council Regulation Committee in November 2019 was a material consideration. Because the decision had not been issued the time constraint on the Reserved Matters application had not started.

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

- The application was as determined previously with the addition of 2 conditions to secure phosphate mitigation and the additional NHS contribution secured by the Section 106 Agreement.
- Changes to the NPPF did not affect consideration of the application.
- The Highway Authority were satisfied that the tracking swept path analysis worked.

During debate members expressed varying views. Some raised concern regarding pedestrian safety and highway issues around the site whilst others referred to the previous decision of the South Somerset District Council Regulation Committee and the potential for it to be agreed at appeal.

The Service Manager for Planning acknowledged that Members were expressing concern about highway safety around the site and there was no evidence from any highway specialist in the officer's report to support that view. To safeguard the Committee's position, if Members were so minded, she recommended deferring the application to allow further highway assessment on the highway safety merits of the scheme. Evidence would be required to justify any departure from the expert's opinion.

Councillor Oliver Patrick proposed the officer's recommendation to approve the application including the two additional conditions to cover phosphate mitigation and the amended Section 106 Agreement to include NHS contributions and this was seconded by Councillor Tim Kerley. This was put to the vote and lost by 5 in favour, 6 against. The proposal therefore fell.

It was then proposed by Councillor Tom Power and seconded by Councillor Sue Osborne, to defer the application to allow further highway assessment of the highway safety merits of the scheme to address concerns over the proposed pedestrian safety mitigation and off site highway works. On being put to the vote, the proposal was carried by 11 in favour and 1 against.

Resolved:

That planning application 19/00655/OUT for the outline planning application for the development of up to 60 residential dwellings (Use Class C3), together with associated highways and drainage infrastructure, public open space and landscaping. Details of access are submitted for approval with all other matters (Layout, Scale, Appearance and Landscaping) reserved for later approval at Land OS 9609, Brewham Road, Bruton be DEFERRED for the following reason:

01. To seek further highway assessment regarding concerns over the proposed pedestrian safety mitigation and off-site highway works.

(voting: 11 in favour, 1 against)

16 Planning Application 20/02297/OUT - Land North of Brewham Road, Bruton - Agenda Item 7

The Planning Officer advised that as the Committee had deferred the previous application: 19/00655/OUT Land OS 9609, Brewham Road, Bruton to seek further highway advice regarding concerns over the proposed pedestrian safety mitigation and off-site highway works, they may consider also deferring this application as the off-site mitigation was identical.

Councillor Tom Power proposed to defer the application to seek further highway advice regarding concerns over the proposed pedestrian safety mitigation and off-site highway works and this was seconded by Councillor Sue Osborne. On being put to the vote, the proposal was carried by 10 in favour, 1 against and 1 abstention.

Resolved:

That planning application 20/02297/OUT for the outline planning application with access to be determined and all other matters reserved, for the residential development of the land for up to 65 dwellings and safeguarding of land for a new GP Practice; alongside public open space, a drainage scheme and associated works at Land North of Brewham Road, Bruton be DEFERRED for the following reason:

01. To seek further highway advice regarding concerns over the proposed pedestrian safety mitigation and off-site highway works

(voting: 10 in favour. 1 against and 1 abstention)

17 Planning Application 23/02871/OUT - Land Off Tintinhull Road, Coppits Hill, Yeovil, BA21 3PW - Agenda Item 8

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 site plan.
- This was an outline application with all matters reserved except access.
- Details of the proposed village green, play area and attenuation pond.
- A Grampian condition was proposed to tie the proposed Traffic Regulation Order linked to the Brimsmore development to the east of the site to this development which would extend the 30mph limit.
- A pedestrian crossing had been secured by the Section 106 agreement on the adjacent Brimsmore development site.

She referred to the key considerations being the principle of development, five year housing land supply, landscape impact, access, visibility and crossing, surface water attenuation and phosphates.

The application was recommended for approval subject to conditions and the prior completion of a section 106 planning obligation as set out in the agenda report.

A member of the public addressed the committee in objection to the application. His stated that the housing already granted permission nearby should be built first to assess its impact upon the area, the proposed development would create another junction onto a curving road in close proximity to the Brimsmore development and residents had to cross the busy A37 to reach the bus stop.

The Agent for the Applicant then addressed the committee. He advised that the site was owned by the Somerset Community Foundation and the proceeds from the sale if permission was granted, would be used to provide education bursaries or fund education facilities around Yeovil. The site had good access to services and facilities and would provide 35% affordable housing. The site would achieve biodiversity net gain and nutrient neutrality. They had worked closely with the Lead Local Flood Authority to ensure flooding would not occur on site or elsewhere. There were no statutory objections and the applicant had agreed to the conditions and Section 106 agreement.

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

- The land was Grade 2 agricultural land
- Neither the Brimsmore Key Site to the south of the development or the development site were allocated for development in the Local Plan
- The loss of the agricultural land had been balanced and justified against the need for housing in a sustainable location.
- The Grampian condition only required that the proposed Traffic Regulation Order linked to the Brimsmore development to the east of the site was completed, not the whole development of that site.
- A pedestrian access from the site to the public right of way from the Key Site to the South of the site could be negotiated with the developer at the Reserved Matters stage.
- The footpath from the site would only be on the northern side of the road and it would link to the proposed pedestrian crossing.
- It was assumed that the larger Brimsmore development would be commenced prior to this site as the Traffic Regulation Order was required.
- The pedestrian crossing was located to the east of the site and to the east of the public right of way from the Key Site to the South.
- There was a footpath in front of the site but it did not currently link to the footpath at the end of the Brimsmore Garden Centre. When the development of the site to the west of the Garden Centre was completed there would be a footpath linking the site to the town.
- The Grampian condition was at Condition 14 and any change to it would have to be negotiated with the applicant.
- The applicant had confirmed that the pavements would be 2m wide but there would not necessarily be a separate footpath and cycle path. Condition 17 related to this.
- The nutrient neutrality condition was not negotiable.

Councillor Henry Hobhouse pointed out that Natural England comments stated the mitigation measures should be in place before the occupation of the houses. One of the mitigation measures for the phosphorus credits required improvements at the Pen Mill WWTWs which were currently scheduled to be completed by 2030.

The Legal Officer responded that the concerns expressed by Natural England were addressed by conditions and the Section 106 Agreement of any approval. All the necessary reports were available in the planning report on the Council's website.

The Lead Specialist for Planning advised that the phosphate solution for a development had to be acquired and available before the development commenced and it had to deliver its mitigation before demand was made from the site (occupation of dwellings). The range of phosphate solutions available had increased and would need to account for a higher level of mitigation until the 2030 water treatment works were upgraded with a lower, long-term solution then available.

The Service Manager for Development Management advised that in relation to Habitat Regulations Assessment, the Council had to be satisfied, as the competent authority that any impact could be mitigated.

Councillor Peter Seib asked that his concern that there be a direct and safe walk to school from the site be recorded in the minutes.

During discussion, the following points were made by Members:-

- Agricultural land of Grades 1, 2 and 3a should be preserved
- The difficulty of crossing the existing double roundabout to the east of the site.
- The Council should follow the first four steps of the C G Fry & Son Ltd v Secretary of State for Levelling Up, Housing and Communities court case.

A short adjournment was agreed to discuss the conditions contained in the officer's report. On reconvening the Service Manager for Development Management outlined Members options in the event that the site to the west of the Brimsmore Garden Centre did not commence.

Councillor Oliver Patrick proposed that the application be refused and cited Policy TR5 – transport impact of new development.

Councillor Peter Seib proposed to modify the Grampian Condition 14 and make it conditional on the Traffic Regulation Order and the delivery of the footway to the road and the crossing. This was subsequently seconded by Councillor Tim Kerley.

Councillor Oliver Patrick then withdrew his proposal.

The Division Member, Councillor Evie Potts-Jones, said there was no safe pedestrian route from the site, particularly in attempting to cross the double roundabout to the east of the site.

The Service Manager for Development Management suggested that Members may

wish to defer the application for further specific information from the highway officers regarding safety concerns if only the TRO were in place for the speed limit. Also for their views on safe pedestrian routes in the event that the site to the west of the Brimsmore Garden Centre did not commence.

Councillor Peter Seib then proposed that the application be deferred to seek further highway assessment regarding concerns over the proposed pedestrian safety mitigation and off-site highway works. This was seconded by Councillor Tim Kerley. When put to the vote, the proposal was carried by 9 in favour, 2 against and 0 abstentions.

Resolved:

That planning application 23/02871/OUT for the outline planning application with all matters reserved except for means of access for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system and vehicular access point at Land Off Tintinhull Road, Coppitts Hill, Yeovil, Somerset, BA21 3PW be DEFERRED for the following reason:

01. To seek further highway assessment regarding concerns over the proposed pedestrian safety mitigation and off-site highway works.

(voting: 9 in favour, 2 against)

18 Appeal Decisions (for information) - Agenda Item 9

Members noted the appeal decisions.

(The meeting ended at 5.50 pm)

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CHAIR