

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 June 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)

Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke

Cllr Martin Dimery

Cllr Helen Kay

Cllr Tony Robbins

Cllr Alex Wiltshire

Cllr Dawn Denton

Cllr Susannah Hart

Cllr Martin Lovell

Cllr Claire Sully

10 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillors Bente Height and Adam Boyden. Councillor Philip Ham substituted for Councillor Height.

11 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 2 May 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.

12 Declarations of Interest - Agenda Item 3

Councillor Tony Robbins declared a personal and prejudicial interest in Agenda Item 9 - Planning Application 2023/0528/HSE 10 Lewmond Avenue, Wells because he was friends of the applicant. He advised he would leave the room for this item and not participate in the discussion or vote.

Councillors Edric Hobbs, Nick Cottle, Martin Lovell, Claire Sully and Alex Wiltshire declared a personal but non-prejudicial interest in the same Agenda Item. They advised that the applicants were the parents of a fellow Liberal Democrat councillor but that they did not know the applicants personally. They advised that they would participate in the discussion and vote.

13 Public Question Time - Agenda Item 4

There were none.

14 Schedule of Applications - Agenda Item 5

The schedule of applications was noted.

15 Planning Application 2021/2387/FUL - Land At 373638 144529, Burts Hill To Nunney Catch Roundabout - Agenda Item 6

Change of use of agricultural land to a haulage depot (sui generis) and the construction of an HGV workshop, associated yards, depot infrastructure and access.

The Officer's Report stated that this application had been referred to the Planning Board as the Officer Recommendation was contrary to the Parish Council's. The Recommendation was for approval.

Trudoxhill Parish Council had recommended refusal for various reasons including that it is was a rural parish that valued the agricultural community and greenfield setting and was wary of setting a precedent in converting productive agricultural land to other use.

Other consultees, such as the Highways, Drainage and Environmental Protection Officer's, had no objections, subject to various conditions. There had been 27 letters of objection and 20 of support. Objections included:

- Development should not take place on "Green Belt" land.
- Loss of agricultural land for food production and countryside preservation.
- Noise and disturbance, vibration, poor air and light pollution to the detriment of residential amenity.
- Fumes and noise from the vehicles will have a negative impact on the environment and on the health of neighbouring residents.

Comments from the letters in support included:

- Would provide a long-term base for a well-established local transport business which is very important to the long-term future of this family grown business.
- Important investment and growth to support the local quarry and construction industry and wider economy.
- Will secure local jobs and enable the business to expand and create further employment opportunities.

In conclusion, the Officer's Report said that the proposal was considered to be provided in a manner and a scale that was appropriately sensitive to the location and surroundings, especially given the specific locational needs of haulage business related to the local quarries, its benefits to the rural economy and the lack of a suitable alternative sites in the district. All technical matters had been adequately addressed, including highways, environmental protection and drainage, and there were no objections from statutory consultees. The residential amenity concerns had been mitigated by the provision of an acoustic fence, landscaping, the site layout and conditions that had been shaped by the noise impact assessment and Council's Environmental Protection team. The application was therefore recommended for approval.

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

The Committee was then addressed by 4 objectors to the application. Their comments included:

- 'Green Belt' land should not be built on for this purpose. There are other brownfield sites located away from residential areas which would be more suitable.
- The development would devalue the properties of local, hardworking families by 10 to 20%. They should not be penalised so that an industrial unit can be built next to their residential properties.
- This size of development should have had a consultation process.
- The impact from noise, fumes, lorry washes, car parking and external lighting would be massive for the local residents.
- The 24-hour operation will affect the mental and physical health and well-being of the local residents.
- Policy CP1 is clear that development in the open countryside should be strictly controlled.
- The acoustic barrier will be obtrusive and will not help much as the prevailing winds are from the Southwest.

- If approved, it will set a precedence for other industrial units to be built on agricultural land.

The Committee was then addressed by 2 speakers in support of the application.

Their comments included:

- The business needs space to expand and it has developed an excellent apprenticeship scheme.
- The site is well screened from the roadside and is almost entirely hidden.
- Vehicle movements will be limited to morning when the lorries leave, and they will have returned before peak time. It will not be a 24-hour operation.
- The applicants have a strong reputation for safety and it is a green rated operator by the DBSA.
- It is a family business which is looking to expand the apprenticeship workforce, employing local people.
- Concerns from residents are understood and the design and layout has been carefully considered to minimise any disruption.

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

- The application had been refused twice before.
- It is agricultural farming land and should stay that way.
- The local families will be severely impacted.
- There are other industrial units nearby which would be more suitable.
- The land is outside the Parish plan and the Parish Council are concerned that, if granted, it would set a precedence and this area of Frome would become industrialised.
- It would cause light pollution on the edge of the Cranmore Chase AONB.

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

- It is a family business currently employing 12 people and there is a desire to expand. The current rented site was not suitable for expansion.
- There has been a long search for alternative sites. The planning officer has assessed the application as sound and acceptable.
- Residents' concerns have been taken into account and the proposed workshop would be 15 metres from the nearest residence.
- There is already substantial activity in the vicinity and the impact of noise and lighting will be controlled by conditions.

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

- Had a viability assessment been carried out on other sites in the area, such as Commerce Park? The Planning Officer confirmed that no viability assessments had been carried out but added that Commerce Park was not a

possibility as the business was 'land heavy' and not clean.

- The existing site was a difficult place to try to run a haulage company from. The proposed site was close to the main road and would not necessitate lorries to have to travel through any villages.
- The site is greenfield land, not Green Belt.
- The acoustic screen is a fence of 3m high rather than a bund. There was concern that winds from the Southwest would cause noise and dust disturbance to the residential amenity nearby.
- Concern about drainage to Marston Pond which was already silting up.
- Concern about loss of agricultural land and effect on bats and wildlife.
- Had the previous Highways Officer's concerns been overcome? The Highways Officer advised all concerns had been checked and the applicants had supplied a transport and access statement which had addressed all issues.

It was proposed by Councillor Helen Kay and seconded by Councillor Martin Dimery that the application be refused contrary to the Officer's recommendation for the following reasons:

- Insufficient information on traffic movement and safety thereof
- Inappropriate manner, scale and location
- Biodiversity loss
- Loss of amenity to local residents.

On being put to the vote, the motion was lost with 5 votes for and 7 against.

The Team Leader – Development Management reminded Members that many of the concerns raised were addressed by the tight conditions that would be applied if the application was approved and that in the Officers' opinion, the harms identified were not outweighed by the economic benefits.

At the conclusion of the debate Councillor Barry Clarke proposed that the application be approved in accordance with the Officer's Recommendation set out in the Report. This was seconded by Councillor Philip Ham. On being put to the vote the proposal to approve was carried by 7 votes in favour and 5 votes against.

RESOLVED

That planning application 2021/2387/FUL be approved in accordance with the Officer's Recommendation.

16 Planning Application 2023/0380/OUT Paddocks End Vinney Lane Tytherington - Agenda Item 7

Application for Outline Planning Permission (All Matters Reserved, except

Access) for the erection of a detached single storey Eco dwelling to replace Riding School and buildings (existing commercial equestrian use).

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

The Report continued that both the Parish Council and Divisional Member were supportive of the application, with the Parish Council commenting that it was a sustainable development with a strong environmental design focus, on essentially a 'brownfield site' (currently a yard and stables), which would not extend the footprint of the current built form (i.e. stable block).

There had been no objections from the consultees and 3 letters of support had been received from local residents.

The Officer's Report concluded that given that the application would provide an additional dwelling on land that was previously developed which would positively contribute toward housing supply, and that no material harm had been identified, the application was recommended for approval as a departure from the Development Plan.

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

The Committee was then addressed by one of the Divisional Members, Councillor Shane Collins. He said he fully supported the application. It was a good, sustainable development, with solar panels and ground source heat pumps. It was an excellent proposal which he was pleased to support.

As the agent for the applicant James U'Dell then addressed the Committee. He said he was very pleased that the application had been recommended for approval and that there had been unanimous support from the Planning Officers and residents. The development would replace an existing riding school and the site was a brownfield site without any areas of special interest. It was not affected by the Phosphates issue. The proposed dwelling would have sustainable access and with the removal of the riding school, there would be less vehicle movement and activity at the site. It would enable the current occupier to remain in the village where she had lived for the past 40 years.

In the discussion which followed, Committee Members agreed that it was a good application which ticked many boxes and provided positive gains. The Team Leader – Development Management reminded Members that the application was for outline

permission with all matters reserved except access. Any conditions they wished to place regarding the building itself were not relevant to this application.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Philip Ham that the application be approved in accordance with the Officer's Recommendation set out in the Report. On being put to the vote, the Members were unanimously in favour.

RESOLVED

That planning application 2023/0380/OUT be approved in accordance with the Officer's Recommendation.

17 Planning Application 2023/0231/FUL Holly Cottage Pound Lane Oakhill - Agenda Item 8

Change of Use of Agricultural Land to Domestic Curtilage with associated access/parking.

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

The proposal sought to create a new access and parking area on a section of land to the west of the main property. This would involve the change of use of this area of land and additional garden space from agricultural to residential.

There had been no objections from the consultees and the Parish Council had recommended approval.

The Officer's Report concluded that the application scheme was considered on balance to represent a sustainable form of development and it was therefore recommended that planning permission be granted as a departure from the development plan.

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

In the discussion which followed, one Member requested clarity regarding the plans for the double garage on site as the Parish Council had pointed out that it was currently being used as accommodation and there would be no entrance to the garage from the new access point. The Team Leader – Development Management referred to Condition 6 which restricted the car parking area and new access only for

the use of Holly Cottage. If Members approved the application, it would not mean they would be approving a separate residence on the site. A separate application would need to be made for this.

Councillor Edric Hobbs was in support of the application and proposed it be approved. This was seconded by Councillor Tony Robbins. On being put to the vote the proposal to approve was unanimously approved.

RESOLVED

That planning application 2023/0231/FUL be approved in accordance with the Officer's Recommendation.

18 Planning Application 2023/0528/HSE 10 Lewmond Avenue Wells - Agenda Item 9

Erection of single-storey rear extension and internal alterations.

Before the Planning Officer explained the application to the Committee, Councillor Robbins left the room due to his personal and prejudicial interest in the item.

The Officer's Report stated that for probity reasons, given that the applicants were direct relations of a member of the Council, the application had been referred to the Planning Committee in accordance with the published Scheme of Delegation. The Recommendation was for approval.

The Report continued that the proposal was for a single-storey rear extension to the property. It would be a relatively modest extension that would square off the back elevation of the house. The small addition to the floor space would allow better scope for internal alterations to reconfigure the layout of the ground floor of the house.

Glastonbury Town Council had recommended approval of the application. There had been no further comments received.

The Planning Officer confirmed that the application was recommended for approval.

After a brief discussion, it was proposed by Councillor Edric Hobbs and seconded by Councillor Helen Kay that the application be approved in accordance with the Officer's Recommendation set out in the Report. On being put to the vote, the Members were unanimously in favour.

RESOLVED

That planning application 2023/0528/HSE be approved in accordance with the Officer's Recommendation.

19 Planning Application 2022/2407/FUL Plot at Hornblotton Farm Mill House to Fosse Way - Agenda Item 10

Conversion of agricultural barn to create a new dwelling.

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

The Report continued that the application sought full planning permission for the conversion of a barn to a two-bed dwelling, which included a workshop within the existing building at the southwestern end of the barn. Storage was proposed in the roof. The finishes included pre-cast concrete panels, profiled sheeting and wood cladding. The existing vehicular access was proposed to be utilised.

There had been no objections from the consultees and there had been one letter of support.

The Officer's Report concluded that, whilst the site was located outside the settlement limits, it had the benefit of an extant consent in the form of a prior approval for a residential use in the application building. The revisions to the consented scheme raised no new design, amenity or highway issues over and above the scheme that can be implemented at the site. Given that the application scheme would not result in any significant adverse impacts was recommended that planning permission was granted as a departure from the development plan.

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

In response to questions from Members, the Legal Advisor confirmed that the rules pertaining to phosphates came into effect on 5 August 2020. As the site already had the benefit of a consented scheme, the current application was not affected by the phosphates issue.

Another Member asked about the proposed roof lights and the effect on dark skies to which the Planning Officer replied that the existing barn already had roof lights.

After a brief discussion, it was proposed by Councillor Dawn Denton and seconded by Councillor Alex Wiltshire that the application be approved in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote, the Members were unanimously in favour.

RESOLVED

That planning application 2022/2407/FUL be approved in accordance with the Officer's Recommendation.

20 Planning Application 2021/0644/FUL Laurel Farm Laurel Farm Lane Sticklych - Agenda Item 11

Demolition of outbuilding; replacement with first floor holiday flat, ground floor storage, and studio.

The Officer's Report stated that this application had been referred to the Planning Committee as the Recommendation was for refusal and the Parish Council had recommended approval.

The Report continued that the site was relatively isolated with open views to the north. The existing workshop/storage building was in a poor state of repair, finished in brick and block, with corrugated low-pitched roof, approximately 6 metres high. Connected to this on its east side was an older low stone building with tiled roof also used for storage. An ecologist had identified that this had been used as a bat roost.

West Pennard Parish Council had recommended approval of the scheme and other consultees had provided no objections. There had been no representations made by local residents.

However, the Officer's Report concluded that the principle of development was unacceptable as the site was 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. Any limited economic benefits that could be attributed to the development given the proposed use as tourist accommodation did not outweigh the harm identified. For this reason, it was recommended that planning permission be refused.

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

The applicant, Mr Simon Cellan-Jones was invited to address the Committee. He made a number of points including:

- The existing building is very unsafe and cannot be converted.
- Due to delays in the handling of the application, the application is now being considered by the new Unitary Somerset Council where there has been a change of interpretation. It has now been recommended for refusal which seems unfair.
- Previously tourist accommodation would have been encouraged. They had wished to provide bed and breakfast.
- A lot of time and money had been spent on the application with careful consideration to the ecological effects.

Division Members Councillors Claire Sully and Alex Wiltshire were in support of the application and made the following points:

- The scale of the development for tourism is of a size that would not lead to much extra traffic travelling on the small lanes.
- The building would soon fall down and it would make sense to demolish it and re-develop the site.

It was proposed by Councillor Claire Sully that the application be approved contrary to the Officer's recommendation.

In the Members' discussion the following points were made:

- The derelict building is not suitable for conversion.
- The applicant had made a strong case regarding the effect that the delay on the determination of the application had made on the Officer's Recommendation.
- The bat roost would be demolished which was not appropriate.

In response, the Team Leader – Development Management advised Members that the economic benefits had been considered not to outweigh the impact of the scheme on the rural and isolated location. Also, if Members were minded to approve, the bat roosts would be addressed in the planning conditions.

Councillor Helen Kay said that the application should not be refused on the grounds of sustainability and location. The economic benefits outweighed the harm and seconded the proposal to approve, contrary to the Officer's Recommendation. Conditions would be delegated to Officers in consultation with Chair, Vice and Division Members.

On being put to the vote, there were 11 votes in favour of approval and 1 vote against.

RESOLVED

That planning application 2021/0644/FUL be approved contrary to the Officer's Recommendation with planning conditions delegated to Officers in consultation with Chair, Vice and Division Members.

21 Planning Application 2022/2441/FUL Lower Stoke Farm Barrow Wood Lane Rodney Stoke - Agenda Item 12

Change of use of agricultural building to ancillary accommodation. Part demolition and extension to existing dwelling. Erection of ancillary outbuilding and construction of wildlife swimming pool.

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

The Report continued that the application was for part demolition and construction of extensions to the south and north of the existing house, considerably increasing the overall footprint. It also incorporated the conversion and alteration of the adjacent barn to continue accommodating three stables and a tack room, a three-bed annex, an office and domestic storage. The alterations to the barn included its roof form being fundamentally altered to present an 'L' shaped, steeper pitched, gable-ended roof. It also proposed a wildlife swimming pond and a further workshop/hobby building.

Rodney Stoke Parish Council had recommended approval with the following comments:

- To condition that the main property and the development stay as a single-family unit.
- There was concern over light pollution in the open countryside due to the size of the development, and the Parish Council requested that the use of smart glass and/or automatic blinds are required to protect the dark skies.

There were no other comments from local residents and no objections made by consultees.

In conclusion, the Officer's Report stated that, although the site was located outside the settlement limits, where development is strictly controlled, on the basis that the annexe remained ancillary to the main house as proposed it was considered acceptable. Although the development proposed was extensive, given that no recognisable harm had been identified, it was therefore recommended for approval

as a departure to the development plan.

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

The agent for the applicant, Nigel Salmon, was invited to address the Committee. He made the following comments:

- The site is in an isolated location and had a complicated history.
- The agricultural building does not have a tie on it.
- The design is of high quality and is sustainable.

In the brief discussion which followed, Members liked the style of the development. Division Councillor Heather Shearer said that she and fellow Division Councillor had confirmed there would be no roof lights to cause light pollution to the dark skies and were happy to support the application.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Claire Sully that the application be approved in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2022/2441/FUL be approved in accordance with the Officer's Recommendation.

22 Planning Application 2022/1991/FUL Brookover Farm Frome to Radstock Road Buckland Dinham - Agenda Item 13

Conversion of Barn & Garage to form a 2 Bedroom Dwelling. Small Lobby Extension.

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

The Report continued that the application related to a disused farm complex situated within the open countryside, a bat consultation zone, an historic park and garden and within a flood zone. This application sought full planning permission for the conversion of a barn & garage to form a 2-bedroom dwelling to include a small lobby extension. Permission had already been given for the conversion of the barn and garage to ancillary accommodation to the house, granted under a Householder

Application where the Council concluded that buildings formed part of the existing domestic curtilage. This application proposed to convert the barn into a separate dwelling with a modest schedule of external alteration to enable that to happen, all as per the previously approved householder application.

There had been no objections from consultees and 5 letters received in support from local residents.

The Officer's Report concluded that the benefits when assessed against the policies in the NPPF it confirmed that the dwelling as proposed would result in no identified harm. The application was therefore recommended for approval subject to conditions.

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

The applicant, Natalie Revie, was then invited to address the Committee. She made a number of points including:

- Whilst this application is a departure from the local plan, the national plan came in at a later date than the local plan and it is compliant with the national plan.
- It will be a family home after 2 decades of renting and will fulfil a lifelong desire to self-build.
- Have taken great care to ensure it harmonises with the area and is sustainable. It includes air source heat pumps.
- There had been no objections from statutory consultees and 5 letters of support from local residents.

In the brief discussion which followed, the boundary of the development was clarified by the Planning Officers. Concerns were noted by the applicant regarding ensuring the rooflights were covered by blinds at night to avoid light spill. Members were happy with the proposals and said it made good use of the existing buildings.

It was proposed by Councillor Martin Dimery and seconded by Councillor Philip Ham that the application be approved in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2022/1991/FUL be approved in accordance with the Officer's Recommendation.

(The meeting ended at 5.00 pm)

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CHAIR