

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, 7 November 2023 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)
Cllr Edric Hobbs (Vice-Chair)

Cllr Adam Boyden
Cllr Dawn Denton
Cllr Bente Height
Cllr Tony Robbins
Cllr Shane Collins

Cllr Barry Clarke
Cllr Susannah Hart
Cllr Martin Lovell
Cllr Claire Sully

69 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Martin Dimery, Helen Kay and Alex Wiltshire. Councillor Shane Collins substituted for Councillor Kay.

After apologies, the meeting was adjourned for 5 minutes due to a technical issue with the sound.

70 Minutes from the Previous Meeting - Agenda Item 2

The Committee was asked to consider the Minutes of the meeting held on 3 October 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.

71 Declarations of Interest - Agenda Item 3

There were none.

72 Public Question Time - Agenda Item 4

There were none.

73 Planning Application 2022_1427_FUL Land at Underhill Lane, Ston Easton, Wells, Somerset - Agenda Item 5

Application for the demolition of Nos. 26 and 28 Orchard Vale and development of 54 new homes with open space, landscaping and all associated infrastructure.

The Officer's Report stated that this application had been referred to the Committee as the recommendation was for approval, thus representing a departure from the existing Local Plan.

The Report continued that it was a cross boundary application with Bath and North East Somerset Council (BANES) and there had been detailed discussions with BANES' Planning Officers during the course of the application. The main part of the application site was within Somerset Council's area. However, Nos. 26 and 28 Orchard Vale (3-bed social rent dwellings) was within BANES' area.

Ston Easton Parish Council had made a number of comments on the application including the following:

- Contribution to Clapton Village Hall requested.
- Consideration should be given to investing into the adjacent community hall to support social objectives.
- Request consideration of connecting the village of Clapton to mains drainage via the new development. New drainage system could be left ready should mains drainage be installed in Clapton at a future date.
- Surface water management arrangements are important.

There had been 32 objections from local residents for reasons including the following:

- Insufficient public enhancement.
- Insufficient affordable housing.
- Principle of development - unsustainable development; lack of local jobs; pressure on services; insufficient local services; contrary to BANES planning strategy; would set a harmful precedent; not respecting the outcome of the JR; JR ruled there should be no development on this site; there is no duty for BANES to cooperate with the access.

- Harm to neighbouring amenity.
- Ecological harm including protected species.

There were no objections from any of the statutory or other consultees, subject to various conditions and the provision of a S106 agreement. However, BANES Council did have various objections and stated:

“Permitting the proposed development site would be contrary to the adopted B&NES Development Plan, worsening the imbalance between jobs and homes and resulting in unsustainable levels of out commuting for work. Furthermore, the proposed development would add cumulative impacts on key infrastructure within Westfield and Midsomer Norton, including highways and, potentially, education. The principle of the proposed development within Somerset is therefore not supported.”

The Officer’s Report advised that the ‘tilted balance’ of the National Planning Policy Framework (NPPF) applied when assessing the application. This policy says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The Officer’s Report concluded that the application proposals would deliver simultaneously, economic, social and environmental benefits. The development would generate economic benefits through the construction period. Economic benefits would also be associated with the future spending of occupants of the development in local shops and services and council tax receipts.

Further, the provision of 52 homes (or 50 homes if Plots 6 and 7 are transferred to BANES as affordable units), including 16 affordable units in Somerset, should be given significant weight in the planning balance, particularly in the context of the significant lack of 5-year land supply in the Somerset East area. Public open space and ecological enhancement measures above Somerset Council’s policy requirements would also be provided which would offer potential biodiversity enhancements.

The Officer’s Report advised that the proposals had been developed to achieve a sustainable extension to Midsomer Norton. Although some harm would be caused to the balance of jobs and homes in the area, it would in part be mitigated by the local infrastructure improvements. Whilst there would be a landscape impact, particularly before the mitigation was fully established, this harm was not considered significant given the surrounding built form in the context of the site. The development would result in the loss of agricultural land, but this was not the highest quality or most versatile land.

Overall, Officers concluded that the adverse impacts identified were not considered to significantly and demonstrably outweigh the benefits of the proposal and, therefore in accordance with the NPPF, the application was recommended for APPROVAL, subject to a number of conditions and planning obligations secured by legal agreement(s).

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

The Committee was then addressed by 3 objectors to the proposal. Their comments included:

- Should not be building on a greenspace.
- Should not be demolishing 2 good houses.
- The road is very congested and not wide enough to accommodate lorries as well as commuters.
- Parking on pavements is already an issue which will be exacerbated.
- There are not enough local services and additional Council Tax will go to Somerset Council, rather than BANES Council.
- The development will not be in accordance with the Westfield Parish Council development plan.
- No consideration given to social measures and the needs of local residents.
- Concerns regarding flooding.
- The site is home to lots of wildlife including protected species and there are TPOs in place.
- The development is in open countryside.
- The development will not benefit any of the current residents of Midsomer Norton.

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

- The applicant, Curo, are a not-for-profit organisation so any profit made would be reinvested in the delivery of affordable homes.
- The need for more affordable housing is rising and approval of this application would allow more families to live in modern, energy efficient homes.
- If approved, the site could be re-allocated and could contribute to the housing shortfall.
- In addition to the 30% affordable housing, approval of the scheme will contribute to education, public open space, transport and green space.
- The professional consultees have assessed all the concerns raised such as traffic congestion, ecology and drainage, and have found them to be acceptable.

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

- Concerns over road congestion and car parking allocation.
- Concerns about how practical the 3 storey dwellings will be for an aging population.
- The design and quality of the houses seems of poor standard. Suggestion that fewer, higher quality houses should be built.
- Concern that due to the road congestion and pavement parking, emergency services will struggle to access the site in a timely manner.
- Note that permitted development rights would be removed for some dwellings. Could these be removed for all dwellings to protect the already small gardens provided for?
- The proposed use of gas boilers to provide internal space heating was considered very short-sighted as they are not environmentally friendly and will need to be replaced in a few years.
- All properties should have Ground Source Heat Pumps to provide the internal space heating, EV charging points and an electric bike provided to encourage less reliance on car travel. The gardens are too small to grow fruits and vegetables.
- Concerns were expressed about the sustainability of the site in terms of accessing services and facilities and a suggestion was made as to whether the infrastructure and facilities available Midsomer Norton should be improved in order to support the development.
- Overall members considered that the application scheme was contrary to Core Policies 1, 2 and 4 of the Local Plan.

In response to the comments made, Planning Officers advised the following:

- The Somerset Parking Strategy sets out the number of parking spaces required and the number provided within the scheme is in accordance with this Strategy.
- The removal of permitted development rights had been considered. There must be strong justification to remove them. Officers recommend removal of just the ones highlighted in the Officer's Report.
- There is currently no suggestion that a bus route will run through the estate. However, there are proposals for the bus service to the estate to be improved.
- There has been a comprehensive review of the drainage and porous materials proposed and these would be subject to the standard conditions for drainage.
- Highway Authority is satisfied that road safety is satisfactory and that emergency vehicles will be able to access the site. If people choose to park on either side of the road, access may be more difficult but nothing in the application can be changed to solve this potential problem.
- If considering refusal, the Committee must be clear on the significant and demonstrable harms which outweigh the benefits of the scheme.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and

seconded by Councillor Tony Robbins to refuse the application contrary to the Officer's Recommendation due to the unsustainable nature of the scheme and therefore contrary to Policies CP1, CP2 and CP4. There was particular concern about the travel distance to services and facilities, including the doctor's surgery and senior school.

Officers and the Legal Advisor advised that if the application were to be refused on those grounds, these would be difficult to sustain on appeal due to the 'tilted balance', with the potential that the Council could be found to have acted unreasonably.

On being put to the vote the proposal was carried with 6 votes in favour and 5 votes against.

RESOLVED

That planning application 2022/1427/FUL be **REFUSED** contrary to the Officer's recommendation as the site is located beyond the settlement boundary of Midsomer Norton and is therefore contrary to the settlement strategy, as outlined in Policies CP1, CP2 and CP4 of the Mendip District Local Plan. As the Council cannot currently demonstrate a 5-year housing land supply, the presumption in favour of sustainable development applies, as outlined in the National Planning Policy Framework. Although the site is adjacent to Midsomer Norton, the harm of the proposal due to travel distances to services and facilities would significantly and demonstrably outweigh the benefits.

Votes – 6 in favour, 5 against

74 Planning Application 2023_1735_HSE 6 Northcote Crescent, Frome, Somerset - Agenda Item 6

Application for a single storey side and rear extension.

The Officer's Report stated that this application had been referred to the Committee as the applicant was an employee of the Council who had direct involvement with the planning process in the course of their duties.

Frome Town Council had no objections to the application.

Overall, Officers had concluded that the proposal was acceptable and the application was therefore recommended for approval.

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

PowerPoint presentation.

There were no speakers.

As there was no debate amongst Members, it was proposed by Councillor Adam Boyden and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/1735/HSE be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

75 Planning Application 2023_0663_FUL Vereker House, Pitcot Lane, Stratton on the Fosse, Somerset - Agenda Item 7

Application for the extension of residential curtilage to barn 1 to include change of use of land to residential and reorganisation of curtilage to barn 2 to facilitate amended vehicular access to highway.

The Officer's Report stated that this application had been referred to the Committee as the proposal represented a departure from the Local Plan.

The Report continued that the site was situated within the open countryside within an area of high archaeological potential, a bat consultation zone and partly within a high-risk coal consultation zone (historic mining works).

There had been no response from the Parish Council and no objections from the Archaeology and Coal Authority consultees. Also, no letters of objection from local residents had been received.

In conclusion, the Officer's Report said that the proposal was not considered unreasonable, as it would not have an adverse impact on the immediate setting over or above those extensions to curtilage allowed previously, and the proposal would not cause traffic or environmental problems or cause harm the character of the area.

Overall, Officers had concluded that the proposal represented a sustainable form of

development and the application was therefore recommended for approval as a departure from the local plan.

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

The applicant's agent then spoke. He made the following points:

- Application is to increase the size of the residential curtilage
- It would regularise the access to both Barn 1 and Barn 2 and will 'square off' the area and provide a straight boundary for the two properties.
- A new native hedgerow and trees would be planted, giving significant gains in structural biodiversity.
- There were no objections from neighbours or the Planning Officers and it has the support of the Parish Council.

As there was no debate amongst Members, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/0663/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's recommendation.

Votes - Unanimous in favour

76 Planning Application 2022_1647_FUL Blackberry Farm House, Martin Street, Baltonsborough, Somerset - Agenda Item 8

Application for the erection of one detached dwelling.

The Officer's Report stated that this application had been referred to the Committee as the proposal represented a departure from the Local Plan.

The Report continued that this site was located just outside the settlement limits as defined by Mendip District Local Plan Part I. The farmhouse itself was located within the settlement limits, but the land which was the subject of the application was just the other side of the boundary. The site was within the Somerset Levels and Moors Ramsar Risk Area, an area of high archaeological potential and the farmhouse was a

grade II listed building.

Baltonsborough Parish Council had recommended refusal of the application, saying that the council unanimously agreed to recommend refusal due to the site being outside the development limit of the village and due to concerns about drainage and flood issues.

Land Drainage Officers had no objection subject to a condition that the development be carried out in accordance with the Surface Water Drainage Strategy.

The Conservation Officer stated that no substantive harm to the significance of the listed building or its setting was identified.

There had been 1 letter of concern from a local resident due to two windows which would cause overlooking. The windows were subsequently removed from the plans and the objection was withdrawn.

In conclusion, the Officer's Report said that, whilst it was recognised that the development would be beyond the settlement limits and would therefore be a departure from the local plan, the site was relatively close to services in Baltonsborough and could not be described as an isolated or unsustainable location. The tilted balance applied due to the lack of a 5-year housing land supply.

Overall, Officers had concluded that any impacts arising from the application scheme would not be significant and would not demonstrably outweigh the benefits delivered. Therefore, the application was recommended for approval.

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

There were no speakers.

There was a brief discussion among Members regarding drainage and flooding concerns. The Planning Officer confirmed that the statutory consultees were satisfied and had no concerns in this regard. The Chair commented that he knew the area very well and that he could not recall any serious flooding issues.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Bente Height to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2022/1647/FUL be **APPROVED** as a departure from the

Development Plan in accordance with the Officer's Recommendation.

Votes – Unanimous in favour

77 Planning Application 2023_1106_FUL Penning Barn, Down Lane, West Pennard, Somerset - Agenda Item 9

Application for the replacement of an existing barn with a single storey dwelling and detached annexe.

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the site was located outside the settlement limits of the Local Plan and was within the Somerset Levels and Moors Ramsar catchment area. The application sought full permission for the replacement of an existing barn. The site already had prior consent for the conversion of the barn under Prior Approval Class Q which remained extant.

West Pennard Parish Council had recommended approval of the application and there had been no letters of objection from local residents.

The Officer's Report concluded that the 'tilted balance' was engaged due to the lack of a 5-year housing land supply. However, given that the site already benefited from a fallback position in the barn conversion, the new proposal would not result in any additional harm above that already permitted in terms of sustainability, and no material harm had been identified. The application was therefore recommended for approval as a departure from the Development Plan.

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

The Committee was then addressed by the applicant, who made the following points:

- With a growing family and working from home the need for additional space has become necessary.
- The layout is designed to make the most of the views.
- The choice of materials is in keeping with the existing barn and improves the aesthetic of the area.
- The application considers environmental factors and include swallow cups, bee bricks, bird houses and solar panels in the design.
- The plan is supported by the Parish Council and there have not been any objections.

In the brief discussion which followed one Member commented that the application was supported by the Parish Council and that there had not been any objections locally to the scheme. Another Member requested clarification on the phosphate mitigation situation. The Planning Officer confirmed that, as the site had prior approval for a Class Q conversion, the application was exempt from providing phosphate mitigation as this was the fallback position.

At the conclusion of the debate, it was proposed by Councillor Claire Sully and seconded by Councillor Adam Boyden to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/1106/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's recommendation.

Votes - Unanimous in favour

78 Planning Application 2023_0490_FUL Land at Foghamshire Lane, Trudoxhill, Frome, Somerset - Agenda Item 10

Application for the demolition of an outbuilding and erection of 1no 3 bed dwellinghouse.

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the application site was located in the open countryside, outside the development limits of any settlement but within the curtilage of a property known as Gaerleat and was currently occupied by an indoor swimming pool. The application sought full planning permission for the demolition of the swimming pool building and the erection of a single storey dwelling. The access would utilise the existing access track to Gaerleat.

Trudoxhill Parish Council had recommended the decision should be left to the Planning Officers and there had been 1 letter of objection from a local resident for reasons including:

- Inconsistent drawings

- Loss of privacy
- Noise impact
- Lighting impact on amenity and ecology
- Encroachment into the countryside
- Drainage issues

In conclusion, the Officer's Report said although the development would be beyond the settlement limits and would therefore represent a departure from the Local Plan, it was considered to be within walking distance of some key services and not considered to be isolated. As the Council did not have a five-year housing land supply the 'tilted balance' of the NPPF would apply. The additional dwelling would make a modest contribution to housing in the district.

Overall, Officers had concluded that any harms arising were not considered significant and did not demonstrably outweigh the benefits. Therefore, on balance, the application was recommended for approval.

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

There were no speakers on this application.

As there was no debate amongst Members, it was proposed by Councillor Barry Clarke and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/0490/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's Recommendation.

Votes - Unanimous in favour

79 Planning Application 2023_0897_FUL Laurel House Farm, Foghamshire Lane, Trudoxhill, Frome, Somerset - Agenda Item 11

Application for the erection of annexe/outbuilding with ancillary use to the main house and associated change of use of a parcel of land from agricultural to residential for the siting of the annexe.

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the host property was an existing detached dwelling set within the settlement of Trudoxhill with open agricultural land to the east, and neighbouring properties to the north and south. Trudoxhill does not have development limits and as such, in planning terms, the site lay in the open countryside, but was not an isolated location. The proposal sought a change of use on a 45sqm section of land from agricultural to residential in order to site a single storey ancillary structure to house a garage, workshop, home office and w/c.

Trudoxhill Parish Council had recommended refusal of the application for the following reasons:

- The site is too close to neighbouring properties
- Proposed building is too large and out of character
- Impact on the setting of the listed building
- Impact on neighbouring residential amenity due to its large scale
- Proposal is on agricultural land which could set a precedent and is contrary to development plans for the village

There had been 4 letters of objection from local residents for reasons including the following:

- Proximity of the annexe to the neighbouring property
- Overbearing impact
- Contrary to policy as it's on agricultural land
- Light and noise pollution

The Conservation Officer had commented that the principle of a single-storey outbuilding was acceptable within the site provided and was of an appropriate design, scale and position, ensuring subservience to the listed building.

In conclusion, the Officer Report said that, whilst it was acknowledged that the development would be outside development limits, it would abut an existing residential property. The proposed use was not considered to have a detrimental impact on the adjoining land uses.

The proposed annexe was shown as being for a garage, home office and workshop, all of which are considered uses ancillary to the main house and would not be capable of independent occupation or use. A condition to ensure that the structure remains ancillary would be applied should the application be approved.

Subject to conditions in regards landscaping, joinery details and sample panels, it

was considered by Officers that the proposal would not have a harmful impact on the setting of the listed building.

Overall, Officers had concluded that the proposal represented a sustainable form of development and the application was therefore recommended for approval as a departure the development plan.

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

There were no speakers on this application.

In the discussion which followed one Member commented that the location of the proposed annexe was too close to the neighbouring property and that the window of the annexe would overlook it. He also considered the annexe to be too large and was concerned about the loss of agricultural land. He remarked that Trudoxhill Parish Council had objected quite strongly and had genuine concerns.

In response, the Lead Planning Officer said that the scope of the encroachment onto agricultural land would only result in the loss of 45 sqm of agricultural land. The Velux window in the annexe would not result in overlooking as the window faces upward. The Planning Officer also confirmed that there were no Velux windows on the side of the annexe facing the neighbours.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer's Recommendation.

On being put to the vote the proposal was carried with 6 votes in favour, 3 votes against and 2 abstentions.

RESOLVED

That planning application 2023/0897/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer's Recommendation.

Votes – 6 in favour, 3 against and 2 abstentions

80 Planning Application 2023_0574_FUL Land at 30 Wells Road, Wookey Hole, Somerset - Agenda Item 12

Application for the erection of dwelling and attached car port and formation of vehicular car access.

The Officer's Report stated that this application had been referred to the Planning Committee as the proposal represented a departure from the Local Plan.

The Report continued that the application related to a plot of land at the end of a row of properties in a semi-rural location. Wells Road was made up of a variety of housing styles which included detached, semi-detached, bungalows and two-storey properties. The site had previously housed a mobile home, but this had since been removed and an area of hardstanding has been created. The site was located outside of the development limits, as defined by the Mendip District Local Plan Part 1 (December 2014) and was within a Bat Consultation Zone and the Somerset Levels and Moors Ramsar Risk Area.

St Cuthbert Out Parish Council had recommended approval of the application. Natural England stated that regarding the Phosphates issue, the information provided was sufficient to demonstrate that the proposed development could achieve nutrient neutrality and therefore they had no objection to the proposed development.

There had been 1 letter of objection from a local resident for reasons including highway safety issues and the site being outside the development limits. There had also been 1 letter of support.

In conclusion, the Officer's Report said that, given the history on the site which includes a refusal for a single storey dwelling on phosphates grounds alone, the principle of residential development had been considered acceptable. Although the new scheme did propose a revised design, it was not considered that the increase in height nor the amended materials, would adversely impact on neighbouring amenity or the character of the area. The applicant had purchased Phosphates Credits to offset any harm resulting from the creation of the new dwelling within the Somerset Ramsar and Moors Risk Area.

Overall, Officers had concluded that, while the site did lie outside development limits, the principle of development was previously considered acceptable and the applicant had overcome the previous reason for refusal. The application was therefore 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 who made the following points:

- Although the site does lie outside the settlement limit and is therefore contrary to planning policy, the previous reason for refusal was due to the release of phosphates.

- The applicant has overcome this reason for refusal by purchasing the necessary credits to mitigate the impact of phosphates.
- The contemporary design is of good quality, which is quite modest, has a low impact and sits nicely within the landscape.
- It has Passivhaus accreditation and very high sustainability credentials.

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

- The site is within a linear settlement which has a range of styles and designs.
- The windows facing the road may cause light spillage. Could more be located on the other side of the house to counteract this?
- Very pleased it has Passivhaus accreditation.

In response to the concern about light spill, the Planning Officer commented that the house was situated on a road that had many properties that would have a degree of light spillage and this property would cause a negligible increase. The Member was content with this explanation.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins to approve the application in accordance with the Officer’s Recommendation.

On being put to the vote it was unanimously approved.

RESOLVED

That planning application 2023/0574/FUL be **APPROVED** as a departure from the Development Plan in accordance with the Officer’s recommendation.

Votes – Unanimous in favour

81 Appeals Report - Agenda Item 13

Members noted this report.

(The meeting ended at 5pm)

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CHAIR