

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, 2 April 2024 at 2.00 pm

Present:

Cllr Nick Cottle (Chair)

Cllr Edric Hobbs (Vice-Chair)

Cllr Barry Clarke

Cllr Martin Dimery

Cllr Bente Height

Cllr Claire Sully

Cllr Dawn Denton

Cllr Susannah Hart

Cllr Tony Robbins

13 Apologies for Absence - Agenda Item 1

5

Apologies were received from Councillors Adam Boyden, Helen Kay and Martin Lovell. Councillor Michael Dunk substituted for Councillor Helen Kay and Councillor Tessa Munt substituted for Councillor Adam Boyden.

It was noted that Councillor Alex Wiltshire was no longer a Somerset Councillor and therefore not a Member of the Planning Committee.

13 Minutes from the Previous Meeting - Agenda Item 2

6

The Committee was asked to consider the Minutes of the meeting held on 5 March 2024.

Councillor Edric Hobbs proposed and Councillor Dawn Denton seconded that they be accepted. These Minutes were taken as a true and accurate record and were approved.

13 Declarations of Interest - Agenda Item 3

7

The Legal Advisor explained the rules for Declarations of Interests for close associates. Following this, Councillors Tony Robbins and Bente Height declared a non-registrable interest in Agenda Item 9 - Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West Horrington, Wells, as the applicant was a close

associate. Councillor Robbins, as Divisional Member, said he would speak for his allocated 3 minutes, then leave the room. Councillor Bente Height said she would leave the room at the start of the agenda item.

Regarding the same application, Councillors Tessa Munt, Edric Hobbs and Nick Cottle asked that it be minuted that although they knew him, they did not regard the applicant as a close associate.

Councillor Edric Hobbs declared a non-registrable interest in Agenda Item 11 - Planning Application 2023/1989/FUL - Land At 352279 151941, Townsend, Priddy, Wells, as a close family member lived nearby to the application site. He said he would leave the room at the start of the agenda item.

13 Public Question Time - Agenda Item 4

8

There were none.

13 Planning Application 2023/2349/FUL - The Flat above the Salon, Victoria Square, Evercreech, Shepton Mallet, Somerset - Agenda Item 5

9

To consider an application for the change of use to self-contained residential flat.

The Officer's Report stated that as the applicant was related to an employee of Somerset Council and, as the recommendation was for approval, the application had been referred to the Planning Committee for probity reasons.

The application sought consent for a change of use of a first-floor flat studio that was ancillary to a ground floor commercial unit to an independent, self-contained studio flat. The proposal did not involve any alterations to be conducted to the existing building and residential parking would continue to be on-street.

The Parish Council had raised objections to the proposal because more consultees should have been consulted and the consultation had not included all nearby residents. They were also concerned about the lack of parking/highways. The Officers Report stated that, in line with planning procedure, all adjoining premises were consulted as part of the process and as the principal use of residential would not change, no further consultation was considered necessary.

Somerset Council Waste Services had raised concerns about the storage of waste, as there did not appear to be any outside space to store a wheelie bin or recycling containers. They re-iterated that these must not be stored on the pavement or

highway. The Officers Report stated that the applicant had confirmed that there was existing storage space provided for the wheelie bins and recycling containers for use by the existing flat in the courtyard on site and that this would continue to be the case for the proposed self-contained studio flat. It was therefore considered that there was adequate storage space for refuse and recycling.

The recommendation was for approval.

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

There was no-one registered to speak on this application.

In the discussion which followed Members discussed the refuse collection and the concerns raised by Somerset Council Waste Services. The Team Leader – Development Management said that there would not be any change to the occupancy of the flat and the application was to remove the ancillary restriction. There would be no effect on the street car parking or refuse collection as it would not change from the existing arrangements. Nevertheless, Members were keen to add an additional condition regarding the placement of refuse on the pavement or highway.

It was proposed by Councillor Claire Sully and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation with an additional condition stipulating that refuse must not be placed on the public highway except on the day of collection.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/2349/FUL be **APPROVED** in accordance with the Officer's recommendation with an additional condition relating to refuse collection to stipulate that refuse must not be placed on the public highway except on the day of collection.

Votes – Unanimous in favour

- 14** Planning Application 2024/0025/FUL - Grove House, Lubborn Lane,
0 Baltonsborough, Glastonbury, Somerset - Agenda Item 6

Proposed demolition of existing outbuildings and erection of a new

outbuilding including the change of use of land to residential garden.

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

The Report explained that, whilst it was acknowledged that the development would be outside development limits, it would be close to the existing residential property and restricted in terms of its future use. Given the scope of the proposals and the extent to which the proposed use of the land would be controlled, the proposed use was not considered to have a detrimental impact on the adjoining land. Therefore, on this basis, the application scheme was considered to represent a sustainable form of development and it was recommended that planning permission be granted 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. He made the following comments:

- The existing buildings are unsightly, dilapidated and in a poor location in front of the house, interrupting the view.
- The proposal would provide a new barn in a more suitable location.
- The design of the new barn keeps the ridgeline to a minimum, with sensitive materials and planting to screen the barn.
- There has been no objection from the nearest neighbour and the Parish Council and Planning Officer both support the application.

In the discussion which followed, the proposed solar panels and height of the proposed barn were commended. Members could identify no harm to the environment.

It was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2024/0025/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – Unanimous in favour

- 14 Planning Application 2023/2193/FUL - Levels House, Wells Road, Bleadney,**
1 Somerset - Agenda Item 7

Extension of curtilage with the change of use from agricultural land to domestic

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

The Report continued that the host property was an existing detached house set within a semi-rural area. The site lay outside of any development limits and within the Somerset Levels and Moors Ramsar risk area. This was not relevant for this proposal as no physical development was proposed. The proposal sought a change of use on a section of land from agricultural to residential in order to create a larger residential curtilage.

In conclusion, the Officer's Report said that although the development would be outside the development limits, it would abut an existing residential property and be restricted in terms of its future use. Although the change of use was retrospective, evidence had been provided which demonstrated that the land had been in use in its current form for in excess of 10 continuous years and as such the use would be considered lawful. On this basis the scheme was considered to represent a sustainable form of development and it was 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.

There was no-one registered to speak on this application.

In the brief discussion which followed, the Planning Officer confirmed that, apart from benefitting from permitted development rights, future planning applications on the land following the change of use would be subject to the same constraints as other domestic applications.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Dawn Denton to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/2193/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous in favour

14 Planning Application 2021/1975/OTS - Land at 356804 130886, Castle Cary 2 Road, West Lydford, Somerton, Somerset - Agenda Item 8

Outline application with all matters reserved except for access for the erection of dwelling and garage

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

The Report continued that the site was situated within the open countryside and within the Somerset Levels and Moors Ramsar Phosphate Catchment area. The site was north of the applicant's dwellinghouse and had been used as domestic garden for at least 25 years.

Given the lack of a five-year housing land supply, the National Planning Policy Framework (NPPF) states that planning 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 Framework. In conclusion the Officers Report stated that in the absence of any specific identified and demonstrable harm, and taking into account the limited benefits, a recommendation for approval was considered justified.

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

The Committee was then addressed by the planning agent. He made the following points:

- The location of the proposed new dwelling is sustainable with amenities and public transport within a few minutes' walk of the site.
- The proposal is for an accessible, single storey dwelling of which there is a lack of this type of property within the region.

- The application site already contains parking, driveway and garaging that serves the owners' current property. This would be retained for use by the new owner of that property.
- A modern farm building on the site would be demolished.
- The parish council and nearest neighbour support the application.

In the discussion which followed Members noted that the Parish Council had robust discussions on planning applications and were supportive of the application. There was an objection from the drainage engineer and tree officer but their concerns could be dealt with at the reserved matters stage. The Planning Officer said there was no expectation that the public Right of Way would be interfered with so there was no need to make any conditions regarding this.

It was proposed by Councillor Claire Sully and seconded by Councillor Edric Hobbs to approve the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried 10 votes in favour, 1 against.

RESOLVED

That planning application 2021/1975/OTS be **APPROVED** in accordance with the Officer's recommendation.

Votes – 10 votes in favour, 1 against

14 Planning Application 2020/1287/FUL - Cheese Yard, Peace Close Lane, West 3 Horrington, Wells, Somerset - Agenda Item 9

Demolition of existing Dutch barn and erection of new dwelling with associated parking.

The Officer's Report stated that the application was for a new residential property outside of settlement limits. As the Officer recommendation was for approval, the application had been referred to Planning Committee as a departure from the development plan.

The Report explained that the application sought full planning permission for the demolition of an existing Dutch Barn, and the development of a new 4-bedroom detached dwelling. The new 2 storey dwelling would be set with a landscaped garden area with on-site parking. The access would be as existing. The assessment of this application had been delayed due to the on-going phosphates issue and a solution involving the acquisition of P credits was proposed to redress this matter.

Given the lack of a five-year housing land supply, the National Planning Policy Framework (NPPF) states that planning 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 Framework.

The Report explained that the benefits of the proposal would make a very modest contribution to assisting the Council's shortage of housing land within the District as a whole. The proposal would have some economic benefits for the duration of the construction but the weight given to these benefits was limited. No demonstrable harm had been identified in terms of design, amenity, highway safety and impact on the AONB and the proposed siting for the proposed dwelling would be behind a large barn which largely screens it from the road. As such, the site could not be described as forming part of open land and/or isolated from other development. Also, the application site is within walking distance of a primary school and public transport links to Wells. In conclusion, in the absence of any specific identified and demonstrable harm and taking into account the limited benefits, the Officer's recommendation was for approval.

Before the Planning Officer explained the application to the Committee, Councillor Bente Height left the room due to her earlier declaration of interest in this agenda item.

The Committee was then addressed by the planning agent. He made the following points:

- There was permission granted in 2019 for a warehouse on this site.
- The applicant was concerned with the amount of additional traffic this would bring to the village and has now applied for permission to demolish the redundant barn to build a new dwelling.
- The proposed dwelling would be lower in height than the previously approved warehouse.
- The design and materials would complement the adjacent properties and would be of natural stone and slate.
- Although some concern was identified by the parish council regarding the proposed rooflights, other buildings in the area included rooflights.
- The site was in a sustainable location with a primary school and bus service within walking distance.

As the Divisional Member, Councillor Tony Robbins spoke first and recommended that the Committee approve the scheme. He then left the room due to his earlier declaration of interest in the application.

In the discussion which followed Members expressed concerns regarding the light spillage from the rooflights and asked if a condition could be added to address this. The Team Leader – Development Management advised that imposition of conditions should be reasonable and necessary. As the site was not in an isolated area and there were other buildings in the vicinity that already had a significant amount of light spill, it was not regarded necessary to condition this.

However, Members felt that this was an opportunity to limit further light spill and it would be reasonable to request blackout blinds to the proposed rooflights.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Susannah Hart to approve the application in accordance with the Officer's recommendation with an additional condition regarding the roof lights.

On being put to the vote the proposal was carried with 8 votes for approval and 1 vote against.

RESOLVED

That planning application 2020/1287/FUL be **APPROVED** in accordance with the Officer's recommendation subject to the applicant submitting a revised floor plan drawing showing the installation of blackout blinds in conjunction with the proposed roof lights.

Votes – 8 votes in favour, 1 against

At the end of this agenda item, Councillor Bente Height left the meeting.

14 Planning Application 2023/1275/FUL - Wells Police Station, 18 Glastonbury 4 Road, Wells, Somerset - Agenda Item 10

Redevelopment to form 47 No Retirement Living Apartments for Older People (Sixty Years of Age and/or Partner over Fifty-Five Years of age), Guest Apartment, Communal Facilities, Access, Car Parking and Landscaping.

The Officer's Report stated that this application was referred back to the Planning Committee following consideration at the March meeting.

The application related to the redevelopment of a former police station. The proposal sought to demolish all buildings on site and construct a 47-unit age restricted retirement flat complex with associated communal facilities, landscaping, vehicular access, and car parking. The development would consist of 31 one-

bedroom units and 16 two-bedroom units. It was a re-submission of planning application 202/2234/FUL which had been approved in April 2023. The design in the new application was identical to the approved scheme with the main change being to viability, in particular a reduction in the off-site affordable housing contribution from approx. £434k to £100k.

The application had been recommended for approval, but at the March 2024 meeting of the Planning Committee East, Members had deferred making a decision on the application to allow the applicant an opportunity to address the issues raised, specifically the amount of affordable housing contribution and lack of parking provision.

In response, the applicant had agreed to offer an additional £100,000 towards affordable housing, making the overall offer £200,000 together with £17,484 towards NHS contributions locally. The applicant had also reviewed the on-site parking provision. There was no space to the rear of the site for further parking due to the constraints of the Wessex Water vehicle needing to reach the existing pumping station and being able to turn. The site levels at the front of the site would make it very difficult to provide an access road around the front of the building. However, one additional space was now proposed on the front area to the west of the entrance. This extra space would increase the parking ration to 0.51 spaces per apartment.

Taking these updates into consideration the Officer's recommendation remained for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation and explained the changes made by the applicant to the application.

The first speaker was from Wells City Council. She made a number of points including the following:

- There are already approximately 30 retirement properties currently on the market in Wells . The housing needs assessment was done in 2011 and is out of date. The City Council questions how many retirement flats for the elderly are actually need in Wells.
- The effects of climate change has seen extreme flooding in Wells which may affect the housing estates situated behind the development site. This should be noted by the developers.
- The increased offer for affordable housing is still lower than it should be but requested that the monies are ring-fenced for Wells.

- The £17k NHS contribution is welcomed but the City Council would like to request further S106 monies for active travel in Wells.

The Committee was then addressed by the planning agent. She made the following comments:

- Since the last meeting, the applicant have agreed to increase the contributions for affordable housing to £200k and NHS contributions to £17.5k.
- There was little option to increase parking provision but one space has been located.
- A typical purchaser of this type of accommodation would probably not require a car parking space.
- The applicant has a huge amount of experience and data to back up the car parking needs at retirement properties and the provision here exceeds the provision in other, similar developments.

During the Members discussion the following comments were made:

- A new housing needs assessment needs to be conducted for Wells.
- The financial contribution should be secured and ring-fenced for affordable housing in Wells.
- In comparison to other developments owned by the applicant, the amount of parking would appear to be favourable.
- The proposal was robustly debated at the previous meeting and as the Planning Officer has been successful in securing further S106 monies and an additional parking space, which was the reason for deferral, there was little more the Committee can do.
- The design of the redevelopment is not appealing and the lack of solar panels is short-sighted.
- Rather than the £200k for affordable housing, could the developers be asked to build affordable housing elsewhere?
- Could we ask for contributions for education?

In response to comments made, the Team Leader – Development Management advised the following:

- Planning permission had previously been granted under 2020/2234/FUL and this application was submitted by the applicant to reduce the amount of financial contributions previously agreed by that applicant. Planning Officers conducted an independent appraisal of the offering and the advice received was to accept the contributions. Following deferral at the last meeting, the

applicants had increased their offer. If this is now not approved, there might be an appeal and the Council could end up with no contributions at all. .

- Contributions for affordable housing could not be ring-fenced for use in Wells, but they will be used in the Somerset East area, where required most.
- The affordable housing team have already accepted the financial contribution so it would not be possible to ask the applicant to build off-site affordable housing instead.
- As the target purchaser would not have school age children, it would not be reasonable or appropriate to ask for contributions for education.

At the end 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's recommendation.

On being put to the vote the proposal was carried with 8 votes in favour, 1 vote against and 1 abstention.

RESOLVED

That planning application 2023/1275/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 8 in favour, 1 against and 1 abstention

- 14 Planning Application 2023/1989/FUL - Land At 352279 151941, Townsend,**
5 Priddy, Wells, Somerset - Agenda Item 11

Change of use from agricultural to siting of a mobile home to provide a temporary accommodation for a rural worker. (Retrospective).

The Officer's Report stated that the application had been referred to the Planning Committee at the request of the Chair to enable the applicant to explain to the Committee why the mobile home was required. The application sought retrospective planning permission for the temporary siting of the mobile home as an agricultural worker's dwelling. The site was located within the Mendip Hills Area of Outstanding Natural Beauty and outside of defined settlement limits.

The Report continued that the Parish Council had no objection and that a recent parish survey had identified a lack of affordable accommodation in the parish. For those working in agricultural and rural industries this was a significant problem.

The Report stated that the proposed development lay in the countryside outside

defined development limits where development was strictly controlled. The proposal had failed to demonstrate that it complied with the Council's policy for rural workers dwellings and had also failed to meet the test of the NPPF for isolated homes in the countryside. The proposal was not considered to represent sustainable development and the limited benefits did not outweigh the harm identified. The proposal was therefore recommended for refusal.

Before the Planning Officer explained the application to the Committee, Councillor Edric Hobbs left the room due to his earlier declaration of interest in this agenda item.

The Committee was then addressed by the applicant. He made a number of points, including the following:

- He has been a drystone waller in the Mendips for over 25 years.
- He is passionate about the wildlife and biodiversity within the Mendip Hills.
- There is a need for him to live on site whilst building up an additional farming business.
- He was unaware that the caravan in which they lived required planning permission and was always transparent and open about it.
- The caravan is opposite a large camping and caravan site and not in open countryside as this is occupied by large campers and colourful tents for most of the year.
- Would appreciate support from the Committee to enable him and his family to continue to work, maintain and respect the land by repairing the drystone walls and contribute to the farming needs of the country.

In the discussion which followed Members were sympathetic to the applicant's needs and agreed that he should be permitted to live near his place of work.

The Legal Advisor reminded Members that there was a requirement for the applicant to demonstrate that they have a functional need to live on site. The Planning Officers did not believe this had been demonstrated therefore this was the reason given for refusing the application. Members would need to give an appropriate reason to approve the application contrary to the Officer's recommendation and delegate authority to the Chair and Planning Officers to impose the conditions. It was pointed out that the Vice-Chair would usually be involved but as he had declared an interest in this application, that the Division Member should be consulted instead.

There was further discussion including imposing an agricultural tie on the property and a 3-year limit on the permission after which time it should be reviewed.

It was proposed by Councillor Tony Robbins and seconded by Councillor Tessa Munt to approve the application contrary to the Officer's recommendation as the applicant had demonstrated a functional and essential need to live on site.

On being put to the vote the proposal was carried unanimously.

RESOLVED

That planning application 2023/1989/FUL be **APPROVED** contrary to the Officer's recommendation as it was deemed that there was a demonstrated functional and essential need for the applicant to live on this site. That delegated authority be granted to Officers, in consultation with the Chair and Councillor Tony Robbins (Mendip Hills) to impose necessary conditions, including limiting the permission to a temporary period of three years and an agricultural worker's occupancy tie.

Votes - Unanimous in favour

- 14 Planning Application 2021/2574/ADV - B&Q, Station Approach, Frome,**
6 Somerset - Agenda Item 12

Installation of 3no. illuminated, 4no. non-illuminated signs & door vinyls

The Officer's Report stated that the application had been referred to the Planning Committee as the Officer's recommendation of approval was contrary to the objections raised by the Town Council and Division members. The application site was within the defined development limits of Frome and was located in an area with various commercial and residential properties. The site was located adjacent to the boundary of Frome Conservation Area and the application was to erect 3 illuminated signs, 4 non-illuminated signs and vinyls to the doors to advertise B&Q.

There had been objections from the Division Members and the Town Council.

The Report continued that it was not considered that the illumination of the advertisement signs would result in harm to the amenity of the nearby residences during the operational hours of the business. A condition was recommended restricting the hours of illumination to when the store was open to the public. Although on the boundary of the Conservation Area, it was not considered that the proposed signage would look out of context in the surrounding area and would have an acceptable impact on the visual amenity of the locality. It was also considered that they would not pose a hazard to drivers on the highway or cause any obstruction to pedestrian safety. In conclusion, the Officers recommendation was for approval.

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

There was no-one registered to speak on this application.

In the discussion which followed, Members debated the need for the signs to be illuminated and the effect of the signs on the nearby Conservation Area. One particular sign was felt to be too big and intrusive. They also queried why so many signs were required.

Members were reminded that there would be a restriction imposed on the signs to be illuminated only when the store was open, which was between the hours of 7am and 8pm. Nonetheless, Members agreed as the signs were already a bright orange colour, illumination was not necessary, particularly as the site was so close to the Conservation Area.

It was proposed by Councillor Edric Hobbs and seconded by Councillor Tessa Munt to approve the erection of all signs except for sign number 9, which was deemed to be detrimental to the visual amenity of the area and unsuitable in terms of height, scale and massing. None of the signs were approved to be illuminated.

On being put to the vote the proposal was carried 8 votes for, 1 abstention, 1 refusal.

RESOLVED

That planning application 2021/2574/ADV be issued as a SPLIT decision. All signage was **APPROVED** for installation **SAVE FOR** sign number 9 which was **REFUSED**, contrary to the Officer's recommendation, due to the height, scale and massing and detrimental effect on visual amenity. Also contrary to the Officer's recommendation, conditions would be imposed to ensure that none of the permitted signs are illuminated due to the detrimental effect on visual amenity.

Votes – 8 votes in favour, 1 against and 1 abstention

14 Appeals Report - Agenda Item 13

7

No decisions were made by the Planning Inspectorate between 22nd February 2024 and 20th March 2024.

(The meeting ended at 5.15 pm)

.....

CHAIR