

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 January 2025 at 2.00 pm

Present:

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

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Martin Lovell
Cllr Ros Wyke
Cllr Claire Sully

Cllr Dawn Denton
Cllr Susannah Hart
Cllr Rob Reed
Cllr Philip Ham
Cllr Michael Dunk

25 Apologies for Absence - Agenda Item 1

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Councillors Adam Boyden, Bente Height, Helen Kay and Tony Robbins had sent apologies. Councillor Michael Dunk was substitute for Councillor Helen Kay. Councillor Ros Wyke was substitute for Tony Robbins and Councillor Philip Ham was substitute for Councillor Bente Height.

25 Declarations of Interest - Agenda Item 3

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Councillor Dawn Denton advised that as she had previously shown support for Planning Application 2023/0864/FUL, she was predetermined and therefore would speak a Division Member then leave the meeting for the duration of this agenda item.

The Head of Planning reminded Members about the changes to the NPPF which had been explained in detail in the 10am meeting. It was relevant to the first application on the agenda, Land at Packsaddle Way, Frome.

25 Public Question Time - Agenda Item 4

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There were none.

25 Planning Application 2023/0864/FUL - Land at 377700 149200, Packsaddle Way, Frome, Somerset - Agenda Item 5

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The Officer's Report stated that this application had been referred to the Planning Committee as the site was owned by Somerset Council. Also, the recommendation of the Planning Officer for approval was contrary to that of Frome Town Council, which did not support the application. It was also classified as a major application.

The Officer's Report continued that the application was for the erection of 74 dwellings, a disabled children's home and associated development (including access, public open space, community orchard and publicly accessible footpaths and connections to the nearby public right of way network). The application site was an undeveloped site on the edge of Frome.

The proposed amount of affordable housing was 22%, which was less than the policy requirement of 30%, however, this is permissible by the local plan if viability constraints can be demonstrated. The Report also noted that the site was within the Greenspace SPD as an Asset of Community Value. Although material planning considerations, they do not preclude development on the site in principle.

There had been approximately 265 letters of objection from the local community for reasons including:

- Principle of development – outside settlement limits, rural encroachment, the site should be considered as public open space
- Design – density too high, not reflective of local area
- Loss of valued green space
- The site is an Asset of Community Value and should be protected from development
- Ecology - loss of biodiversity
- Services - strain on healthcare services

Frome Town Council objected to the scheme but there were no objections from the statutory consultees subject to conditions and mitigation. The Town Council objections included the following:

- Insufficient affordable housing
- Poor design – awkward, car-centric layout
- Contrary to various policies
- Proposed layout fails to retain enough of the existing green space
- Harm by way of overlooking and overshadowing
- The Viability Assessment and Biodiversity Net Gain Assessment have not been transparent and should be independently assessed.

After a very thorough and detailed assessment of the proposal and the issues raised by the public and consultees, the Officer's Report concluded that overall, material planning considerations outweighed any conflict with the development plan. The adverse impacts identified were not considered to significantly and demonstrably outweigh the benefits. In accordance with para 11 d of the NPPF, the application was therefore recommended for approval, subject to securing the recommended Section 106 planning obligations and the recommended planning conditions and informatives as set out in the report.

The Planning Officer explained the application using a PowerPoint presentation, after which the public speakers addressed the Committee.

There were 5 speakers in objection to the proposal including a representative from CPRE (Campaign to Protect Rural England), People for Packsaddle (PFP) and a Planning Lawyer from Khift Ltd. The objector's comments included:

- Packsaddle fields have been used by Frome residents for over 50 years and has been recognised as an Asset of Community Value. The planning officer hasn't given much weight to this fact.
- The scheme lacks public open space and does not respect residential amenity.
- There are serious concerns with overlooking.
- The affordable housing should not be segregated within the development and the amount proposed does not comply with planning regulations.
- If planning permission is granted it will have profound harm on the community as it is in daily use by the community. It promotes well-being and improves mental health.
- The area is teeming with wildlife and is important foraging for bats. No confidence in the bat mitigation plan.
- The site is outside the development boundary on a greenfield site which would not be acceptable anywhere else.
- There are no solar panels or heat pumps proposed.
- The harms of this unsustainable development significantly outweigh the benefits.
- Policy DP16 of the adopted Mendip Local Plan relates to Open Space and Green Infrastructure. The site has been used by the public for over 50 years. A person's right to access the land is the relevant legal test, not whether it is legally used.
- DP16 applies to this site and a Planning Inspector would agree. The non-compliant provision of affordable housing and Policy DP16 make this application unlawful.

The next speaker was from Frome Town Council. She said that the Council does not believe the benefits of the scheme outweigh the harms. There would be a loss of valuable green space and the site has been listed as an Asset of Community Value. There is insufficient affordable housing proposed and although Frome Town Council has declared a housing crisis, what is required are 1 and 2 bed houses, not 3 and 4 bed houses. She also said that the application fails to meet the requirements of biodiversity and would cause harm to the landscape and neighbours' amenity. She also queried the S106 education contribution and whether a children's home was actually needed, rather first and middle schools.

Councillors Adam Boyden and Dawn Denton as division Members then spoke. They re-iterated a lot of the points already made and noted that there had been over 265 objections to the scheme and not one supporter. They recommended that the Committee refuse the application due to being outside the development limit, contrary to the spatial strategy, the adverse impact on the character of the area and full and continued use of the site by the public for recreation and wellbeing.

The final speaker was a representative of the applicant, housing association LiveWest. His comments included the following:

- They were committed to address affordable housing in the area and the scheme would provide 16 such homes.
- The 74 homes proposed would contribute to the Council's 5-year housing land supply.

- No statutory consultees have objected.
- Concerns regarding drainage have been noted and the proposal includes suitable attenuation measures to ensure there is no flooding.
- The site will be 36% green space with 175 new trees, a community orchard and meadow grassland.
- The scheme represents sustainable development as per the NPPF and the S106 contributions are all acceptable.

After a long and thorough discussion in which Members echoed and expanded on many of the points raised by the public speakers, Councillor Martin Dimery proposed to refuse the application, contrary to the Officer's recommendation. This was seconded by Councillor Claire Sully. The reasons for refusal were due to the site being outside the housing development limit. Also, the harms of the proposal would significantly and demonstrably outweigh the benefits. The harms included the effects on the local identity and distinctiveness of the Mendip landscape, the effect on the open space and green infrastructure and the proposal would not constitute sustainable development.

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 **2023/0867/FUL** be **REFUSED** contrary to the Officer's recommendation for the following reasons:

The site is located outside of the housing development limit and is therefore contrary to the settlement strategy, as outlined in Policies CP1 (Mendip Spatial Strategy), CP2 (Supporting the Provision of New Housing) and CP4 (Sustaining Rural Communities) of the Mendip District Local Plan Part I. 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 the settlement of Frome, the harms of the proposal would significantly and demonstrably outweigh the benefits. Harms include the principle of the proposal and being contrary to Policy DP1 (Local Identity and Distinctiveness), Policy DP4 (Mendip's Landscapes) and Part 1 of Policy DP16 (Open Space and Green Infrastructure) of the Mendip District Local Plan Part I. As such, the proposal is not considered to constitute sustainable development and is contrary to Policies CP1, CP2, CP4, DP1, DP4 and Part 1 of DP16 of the Mendip District Local Plan Part I and the National Planning Policy Framework.

Votes – 6 for, 3 against, 2 abstentions

25 Planning Application 2021/1226/FUL - Rear of 16 High Street, Shepton Mallet, 8 Somerset - Agenda Item 6

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Chair for reasons of transparency.

The Report continued that the site was located within the town centre of Shepton Mallet immediately adjacent to a privately owned car park. Non-vehicular access was via an alleyway between units on the High Street. The main building is Grade 2 listed. The new building is considered to be listed as it is attached to the existing building.

Permission was granted in 2007 for the demolition of an existing building and erection of replacement building to form office accommodation. The proposal is for the change of use of this building to a dwelling. Whilst the building was substantially completed, the office use was never implemented. The site lies within the Somerset Levels and Moors Ramsar Risk Area, relating to elevated levels of phosphates within the internationally designated site.

The Officer recommended that that application be refused as the site is within the RAMSAR and the application has offered no phosphates budget calculator or mitigation. There are also identified concerns with regards to amenity and parking.

The Planning Officer explained the application using a PowerPoint presentation.

There were no public speakers registered for this application. After a brief discussion Councillor Edric Hobbs proposed to refuse the application in accordance with the Officer's recommendation. This was seconded by Councillor Martin Lovell.

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

RESOLVED

That planning application **2021/1226/FUL** be **REFUSED** in accordance with the Officer's recommendation.

Votes – Unanimous

25 Planning Application 2022/0669/FUL - The Lodge, Little Pennard Lane, East 9 Pennard, Somerset - Agenda Item 7

The Officer's Report stated that this application had been referred to the Planning Committee at the request of the Chair for reasons of transparency.

The Report continued that the application related to a parcel of land immediately adjacent to the A37. The parcel of land is associated with the property known as The Lodge which is located on the opposite side of the road. The land is occupied by a series of poor quality storage buildings and some works appear to have been started on the storage building, which is considered as part of this application, therefore the application was part retrospective.

There was an existing access to the site, located directly from the A37. The access is located over 50m from the cross roads, which is at the brow of the hill.

In conclusion, the Officer recommended refusal of the application as the proposed development would result in a substandard access onto the A37 with poor visibility.

As such the proposed access did not incorporate the necessary visibility splays which are essential in the interests of highway safety.

The Planning Officer explained the application using a PowerPoint presentation.

There were no public speakers registered for this application. After a brief discussion in which Members were advised that although the agent was made aware of the reason for recommending refusal, they wanted to press ahead with the application, Councillor Ros Wyke proposed to refuse in accordance with the Officer's Recommendation. This was seconded by Councillor Edric Hobbs.

The Planning Officer suggested that they encourage the agent to make an application for just the building, which was acceptable, and to have a pre-application conversation about access.

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

RESOLVED

That planning application **2022/0669/FUL** be **REFUSED** in accordance with the Officer's recommendation.

Votes – Unanimous

26 Planning Application 2024/1408/FUL - Land West of Mount Pleasant Farm, 0 Murtry Hill Lane, Buckland Dinham, Frome, Somerset - Agenda Item 8

The Officer's Report stated that this application had been referred to the Planning Committee as the Planning Officer's recommendation to refuse differed from that of Buckland Dinham Parish Council which supported the application.

The Report continued that the application related to a parcel of land located to the south of Buckland Dinham, a small village which doesn't benefit from development limits. The land is currently a small holding including an orchard, fruit and vegetable growing and animals. It was a repeat application by the same applicant to secure a dwelling on the site having been refused planning permission earlier in the year for a Self-build dwelling.

In conclusion the Officer's Report stated that the application failed to demonstrate that there are any special circumstances such as functional or essential need to allow a dwellinghouse in this isolated rural location. The proposal represented unsustainable development in an isolated rural location. Without an essential need to allow a dwellinghouse in this isolated rural location, the proposal would also be harmful to the rural character and appearance of the area and wider landscape, failing to preserve the character of the countryside for its own intrinsic value. In terms of the planning balance, the harms identified carry a significant level of weight which demonstrably outweigh the very limited benefits of the proposal. The recommendation was therefore for refusal of the application.

The Planning Officer explained the application using a PowerPoint presentation.

The applicant was the only speaker. Her comments included:

- She wished to build a sustainable, rural business and has tried to do this whilst commuting to site from rented accommodation.
- Commuting to site does not work as animal welfare is round the clock work including during the night.
- She has plans to expand the use of the land and include permaculture methods which will yield more produce per acre.
- Aim is to supply local pubs and shops with produce.
- There are 2 houses within 50m of the site.
- The cabin would be a temporary building which would be easy to dismantle.

In the discussion which followed, Members were sympathetic to the applicant's desire to live on the site, however they did not feel the need to live on site had been demonstrated sufficiently. The Planning Officer explained that DP13 was in two parts. The first would be for an applicant to put a caravan on site that could be easily moved, then to supply a business case. If Officer's think there is a clear, functional need for someone to live on site 24/7, the application may be approved. However, in this case, due to the nature of the construction of the building, it appears more than a temporary structure and there has been no business case provided that it is necessary.

Other Members expressed that they wished to support the application but that the applicant should probably reapply taking the Planning Officer's comments into consideration. This may result in a more positive outcome.

At the conclusion of the debate, it was proposed by Councillor Rob Reed proposed and Councillor Ros Wyke seconded, to refuse 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 against and 2 abstentions.

RESOLVED

That planning application **2024/1408/FUL** be **REFUSED** in accordance with the Officer's recommendation.

Votes – 6 for, 3 against, 2 abstentions

26 Planning Application 2024/1319/FUL - Land at 379869 148317, Styles Hill to 1 Berkley Cross, Rodden, Frome, Somerset - Agenda Item 9

The Officer's Report stated that this application had been referred to the Planning Committee as the Planning Officer's recommendation to refuse differed from that of Selwood Parish Council which supported the application.

The Report continued that the application site was situated within the open countryside where development is strictly controlled. The proposed extension doubles the size of the host barn and therefore goes beyond what is considered an

acceptable conversion of a rural building.

The proposed development represented unsustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. It would foster growth in the need to travel by private vehicle. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. The recommendation was therefore, for refusal of the application.

The Planning Officer explained the application using a PowerPoint presentation.

The applicant was the only speaker. She said that she wished to make a previously derelict and overgrown site a sustainable home and that they intended to salvage and reuse as much material on site as possible. The aim was to create a small cosy home in the small community. It would be single storey and in a sustainable location with the local bus service passing the site. The application included a cycle shed and would be planted with 200 trees to create a positive environment for nature. She said that residential reuse should be given favourable consideration as it would enhance the area, provide much needed local housing and would support policies DP1 and 2.

In the brief discussion which followed Members commented that the application would make use of a derelict and dilapidated barn and turn it into a home for two people to live in comfortably. The harms did not significantly and demonstrably outweigh the benefits and Members felt the application accorded as a Class Q barn conversion.

It was proposed by Councillor Philip Ham and seconded by Councillor Ros Wyke to approve the application contrary to the Officer's recommendation as a departure from the development plan. Taking into account the location of the site, the proposed re-use of a rural building and the contribution towards the housing supply, it was deemed that the harms of the proposal did not significantly and demonstrably outweigh the benefits. Delegated authority should be given to Officers to issue the permission subject to advertising the application as a departure and the imposition of necessary planning conditions.

On being put to the vote, the proposal was carried with 9 votes in favour, 1 against and 1 abstention.

RESOLVED

That planning application **2024/1319/FUL** be **APPROVED** contrary to the Officer's recommendation as a departure to the development plan as, taking into account the location of the site, the proposed re-use of a rural building and the contribution towards the housing supply, it was deemed that the harms of the proposal did not significantly and demonstrably outweigh the benefits. That delegated authority be given to Officers to issue the permission subject to advertising the application as a departure and the imposition of necessary planning conditions.

Votes – 9 for, 1 against, 1 abstention

26 **Planning Application 2024/0607/FUL - Land South of Corner Cottage, Blackey**
2 **Lane to Withey Lane, Neighbourne, Shepton Mallet, Somerset - Agenda Item 10**

The Officer's Report stated that this application had been referred to the Planning Committee as the Planning Officer's recommendation to refuse differed from that of Ashwick Parish Council which supported the application.

The Report continued that the application related to a parcel of land in the hamlet of Neighbourne. The site was agricultural land located at the top of a valley within the open countryside.

There had been 5 letters of objection from local residents with the following concerns:

- Impact of ground stability
- Inappropriate design and appearance
- Impact on the character and appearance of the landscape
- Unsustainable location
- Loss of amenity for neighbouring properties (overbearing)
- Loss of outlook for neighbouring properties
- Restricted access arrangements
- Traffic impacts (narrow lanes)
- Impact on services (water and electricity supply)
- Impact on wildlife
- Cumulative impact

In conclusion the Officer's Report stated that the site lies in the countryside where development is strictly controlled and does not represent sustainable development due to its distance and poor accessibility and connectivity to local services and facilities. It would also foster growth in the need to travel by private vehicle.

The proposal represented an urban encroachment into the countryside and the limited benefits did not outweigh the harm identified. The recommendation was therefore, for refusal.

The Planning Officer explained the application using a PowerPoint presentation.

There were 3 speakers in objection to the proposal. Their comments reiterated the objections made in the local resident's letters of objection in particular the inappropriate scale of the proposal. The site also has remnants of woodland and is therefore not just infill land. The narrow road is in poor condition with many potholes and the use of construction vehicles will contribute to the dilapidation of this road. Multiple issues from the previous application have not been addressed in current application. It is in an isolated and unsustainable location and would be visible for miles around due to its location on the hillside. It is not in keeping with the local area and should be refused.

The Planning agent was the final speaker. His comments included:

- The lack of 5-year housing land supply make this application justifiable.
- The previous application was refused as it was deemed not to fit in with the surroundings. This revised location is not isolated and the proposal fits in with the surroundings with no harmful impact on the neighbouring properties.
- The design is innovative and helps raise the standard of design in the area.
- The Parish Council supports the application.

In the discussion which followed, Members commented that the location was unsustainable, with poor access down a narrow, twisty road. The size of the dwelling appears to be massive and overbearing and out of keeping in the landscape.

It was proposed by Councillor Martin Dimmery and seconded by Councillor Edric Hobbs to refuse the application in accordance with the Officer's recommendation.

On being put to the vote the proposal to refuse was approved unanimously.

RESOLVED

That planning application **2024/0607/FUL** be **REFUSED** in accordance with the Officer's recommendation.

Votes – Unanimous

26 Appeals Report - Agenda Item 11 **3**

The appeals decisions made by the Planning Inspectorate between 16 November and 19 December 2024 were explained by the Team Leader – Development Management and noted by Members.

(The meeting ended at 5.50 pm)

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CHAIR