

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 10.00 am

Present:

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

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Martin Lovell
Cllr Philip Ham

Cllr Dawn Denton
Cllr Susannah Hart
Cllr Rob Reed
Cllr Ros Wyke

24 Apologies for Absence - Agenda Item 1
7

Apologies had been received from Councillors Bente Height, Helen Kay, Adam Boyden, Claire Sully and Tony Robbins. Councillor Ros Wyke substituted for Councillor Tony Robbins and Councillor Philip Ham substituted for Councillor Bente Height.

24 Declarations of Interest - Agenda Item 2
8

Councillor Ros Wyke declared that she had previously spoken as Divisional Member on Planning Application 2023/1515/OUT – Land at 353038 145483, Gypsy Lane, Wells, Somerset and would therefore would not participate in this agenda item.

Councillor Nick Cottle declared that regarding Planning Application 2024/1051/OUT - Land at Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset, although the application was in his division, he was not predetermined or prejudiced and would take part in the debate and vote.

24 Public Question Time - Agenda Item 3
9

There were none.

Prior to the next agenda item, the Head of Planning, Alison Blom-Cooper, provided Members with an update on the recent changes to the NPPF legislation.

25 Planning Application 2023/1515/OUT - Land at 353038 145483, Gypsy Lane,
0 Wells, Somerset - Agenda Item 4

The Officers Report explained the background of this application and the reason it had returned to Planning Committee. Members were reminded that the application was first considered at Planning Committee on 1st October 2024, when it was deferred. It was then refused at Committee on Tuesday 3rd December 2024, for the following reasons:

- Highway concerns regarding the safety and visibility of the proposed junction with the site from the B3139
- Landscape impact
- Managing flood risk
- Failing to maximise the use of sustainable transport as a result of an insufficient contribution towards active travel, in particular towards the Strawberry Line which would significantly and demonstrably outweigh the benefits of the scheme

Since then, the NPPF was revised on 12 December 2024. Therefore, in light of the national policy changes and as the decision notice had not been issued at that time, the application had to be reconsidered by the Committee.

During the meeting the Legal Advisor confirmed this position and stated that when a new NPPF is issued which has a material impact on a resolution made by the Planning Committee and where the decision notice had not yet been issued, the planning application should be reported back to Members for further consideration.

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

There were 3 speakers in objection to the proposal. Their comments included:

- Query why the decision notice following the resolution of the meeting held on 3 December 2024 was not issued before the change in legislation on 12 December 2024.
- The revised NPPF should not change the outcome of this application. The reasons for objection remain the same:
- Impact on the landscape; proposal is outside the development limits; there will be a loss of green space; access is too narrow with poor visibility and is dangerous; due to distance to the town centre, people will still need to drive into town; flooding issue still prevalent.
- The application is not supported by St Cuthbert Out Parish Council, who gave good reasons for recommending refusal with a strong planning balance.
- There will be a significant increase in traffic on Gypsy Lane.

Mr Ivor Tetley, who spoke in objection to the application, raised a query regarding the process and procedure that was followed to bring the application back to the Planning Committee. He questioned why the decision notice for the application had not been issued in a timely manner following its refusal at the 3 December 2025 meeting, resulting in it being brought back to Committee for re-consideration in light of the changes to the NPPF. He said he felt that the Committee was being asked to reconsider and reverse its decision and queried the procedural rules which would allow this to happen.

In response, the Legal Advisor stated that the Chief Planning Officer was able to bring matters back to the Committee under their delegated powers Part i2 of the Scheme of Delegation for Officers, paragraph 134. He advised that the required full 5, clear working days had been given from the date of the agenda publication. He said that if the Committee were to decide to refuse the application again and it went to appeal, the Planning Inspector would test the appeal under the new NPPF, therefore it was important for the Committee to also consider it under the rules of the new NPPF. He added that every reason for refusal must be defensible at appeal.

The speaker from St Cuthbert Out Parish Council also queried the delay in issuing the decision notice following the application being resolved to be refused at the December Planning Committee. He pointed out that the new NPPF has enhanced the requirement for "safe and suitable access to the site to be achieved for all users". He maintained that the access was not safe, or suitable. He also questioned how the hedge line stretching 70m each side of the junction, which would need to be maintained regularly to ensure safe visibility, could be done if the developer did not own or control that hedge line. He urged the Committee to reject the application until the visibility issues were fully resolved.

Councillor Ros Wyke then spoke as the Divisional Member and stated that she supported the Parish Council in their approach and also said that the developer should make a larger contribution to infrastructure via the S106 agreement. She recognised that this development would have traffic implications on the surrounding roads and wondered if Somerset Highways could comment on the issue with Burcott Lane which is narrow and has no passing places.

Finally, on behalf of the applicant, the planning agent addressed the Committee. Her comments included:

- As a result of the revision of the NPPF, the change in housing supply calculations means that the five-year housing supply in Somerset East has reduced from 3.67 years to 2.2 years. Therefore, the addition of 47 new houses that this scheme would bring is significant and welcome.
- There are no objections from the statutory consultees over the drainage.
- There is no impact on highway safety and safe access can be achieved.
- Previous concerns about land ownership and has been proven and is legal.
- The landscape and large areas of open space will minimise the visual impact.
- If there was any landscape harm identified, it would have to significantly and demonstrably outweigh the benefits, which we believe it does not.

The Legal Advisor then reminded Members that the required 5 clear working days was given for agenda to be published. The Committee must consider the application again against the policies in the new NPPF. This is what would be considered by a Planning Inspector at appeal. The reasons for refusal must be strong and the Council could risk losing some of the offered infrastructure funding if the application was refused and went to appeal. He advised that the local planning authority must have evidence to substantiate each and every reason for refusal.

The Planning Officer added that the query over land ownership that had been raised was not a planning matter for the Committee to consider.

Members had a thorough discussion regarding the application and made many comments including the following:

- Despite worthy objections, there is now less reason to refuse the application.. The Somerset East area only has a land supply of 2 years and therefore the development is needed.
- The site is not the best location for housing and an increase in S106 funds for active travel would be required as it is currently insufficient. The Planning Officer advised that the Strawberry Line contribution was worked out as a proportionate amount when compared to the David Wilson Homes contribution. This would be finalised through the S106 negotiations, but if more evidence became available to increase the contributions there may be scope to seek an alternative/higher figure. This is something that Committee could delegate to Officers to negotiate, in consultation with the Divisional Members.
- The access visibility remains a concern despite Highways having approved it. A further survey should be completed. The Highways Officer advised that the consultation had not been via standing advice but that site visits had been made, a full survey carried out and inclines inspected. She was satisfied that there was no highway safety issue with access and it was considered it a betterment to what was already there.

The Team Leader – Development Management reminded Members that access arrangements had been assessed and determined to be acceptable by the professional Highways Officers and their recommendation was for approval. Also, that the reduction in land supply from 3.6 years to 2.2 years would be a material consideration for a Planning Inspector on appeal.

Councillor Barry Clarke proposed that the application be approved subject to the Highway Authority carrying out a fuller safety assessment. This proposal was not seconded and Councillor Clarke withdrew the proposal.

Councillor Philip Ham said that there were still issues with road safety that he was not happy with, including the dip in the road near to the junction. Also, the lane was narrow with no passing places. He proposed that the application should be refused due to the landscape impact, highways safety and the overall phosphate situation. This was seconded by Councillor Susannah Hart.

The Legal Advisor advised that refusal on grounds of highways safety was unlikely to be defensible as there was no technical consultee support for this and so would be likely to fail at appeal. The Team Leader – Development Management reminded Members that there was a mitigation scheme in place for the phosphates and therefore strongly advised against this being a reason for refusal.

In the vote that followed, there were 4 votes in favour of refusal and 5 votes against and therefore the motion to refuse was not carried.

Councillor Rob Reed then proposed to approve the application, subject to securing a substantial increase in the S106 financial contribution for the Strawberry Line, to be delegated to Officers in consultation with the Chair, Vice-Chair and Divisional

Members.

On being put to the vote the proposal was carried with 6 votes in favour, 2 against and 1 abstention.

RESOLVED

That planning application **2023/1515/OUT** be **APPROVED** in accordance with the Officer's recommendation subject to securing a substantial increase in the S106 contributions for the Strawberry Line. This be delegated to Officers in consultation with the Chair, Vice-Chair and Divisional Members.

Votes – 6 for, 2 against, 1 abstention

Councillor Ros Wyke returned to the meeting.

25 Planning Application 2024/1051/OUT - Land at Pear Tree Farm, Cullen Farm 1 Road, Glastonbury, Somerset - Agenda Item 5

The Officers Report explained the background of this application and the reason it had returned to Planning Committee. Members were reminded that the application was first considered at Planning Committee on 5th November 2024, when it was deferred. It was then refused at Committee on Tuesday 3rd December 2024, for the following reason:

- The development site is located outside of the development limit and would result in a cumulative change to the general character of the area, adversely affecting the significance of the nationally important heritage asset at Glastonbury Tor (ST MICHAELS CHURCH TOWER (scheduled monument and grade I listed building, list entry number 1345475)) through development in its setting.

Since then, the NPPF was revised on 12 December 2024. Therefore, in light of the national policy changes and as the decision notice had not been issued at that time, the application had to be reconsidered by the Committee.

The Planning Officer pointed out that the updated NPPF now states that the reasons for refusal must now be "strong" rather than just "clear". The change in the five-year housing supply in Somerset East from 3.67 years to 2.2 year was very relevant, but that the need "strong" reasons for refusal was the main consideration for Members when determining the application.

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

There were two speakers from Glastonbury Town Council. They made the following comments:

- Disappointed that the application was back before the Planning Committee and it was not clear why the decision notice to refuse the application had not been issued in a timely manner.

- The impact on the landscape would be significant and currently the Town Council was in the process of applying for World Heritage Site status for the Tor and Church Tower, the Abbey and the nearby landscape.
- This application would cause further intrusion into the landscape which should be avoided at all costs.
- Glastonbury Town Council has already identified a potential 5-year land supply, which does not include this site.

Finally, on behalf of the applicant, the planning agent addressed the Committee. His comments included;

- The housing land supply has deteriorated as calculated by the revised NPPF. Therefore, there will need to be significantly more housing on green fields although it will be unpopular.
- Previously the application was refused due to the heritage impact despite the professional consultees saying that there were no strong heritage landscape reasons for refusal.
- The Planning Officer has confirmed that the new NPPF has increased the required weight of refusal reasons to 'strong'. Although Members were not duty bound to follow the advice of the professional Officers, they would have to provide expert evidence on appeal if the application is refused.
- The Council needs to increase the amount of housing land and this is an excellent opportunity to do this.
- There have been no objections from professional consultees.
- The client is a developer who builds quickly to a high standard. There is an agreed solution to the phosphate issue so this could not be a reason to refuse.

In the discussion which followed, Members remained concerned about the delay in issuing the decision notice, causing the application to be returned to Committee. Any impact on a heritage asset could not be ignored and would negatively impact Glastonbury Tor forever.

Councillor Edric Hobbs stated his views on the application had not changed despite the latest NPPF guidelines and proposed to refuse the application for the same, strong reasons as previously given. This was seconded by Councillor Dawn Denton.

On being put to the vote the proposal was carried with 5 votes in favour, 3 against and 2 abstentions.

RESOLVED

That planning application **2024/1051/OUT** be **REFUSED** contrary to the Officer's recommendation for the following reasons:

The Somerset East area is currently not able to demonstrate a five-year supply of deliverable housing sites. However, the application of policies in the National Planning Policy Framework that protect heritage assets provides a strong reason for refusing the development proposed, as set out below, and therefore the 'tilted balance' is not engaged. The development site is located outside of the development limit and would result in a cumulative change to the general character

of the area, adversely affecting the significance of the nationally important heritage asset at Glastonbury Tor (ST MICHAELS CHURCH TOWER (scheduled monument and grade I listed building, list entry number 1345475)) through development in its setting.

Great weight is attached to the conservation of the asset, which is an asset of the highest significance.

The identified level of harm to the heritage asset is less than substantial and this harm is not considered to be outweighed by the public benefits of the proposal.

The proposed development is considered to be contrary to local plan Policy CP1, being located outside the settlement limits, and Policy DP3, as the public benefits of the proposal would not outweigh the harm to the asset's significance, through development in its setting, of the Mendip District Local Plan Part 1: Strategy & Policies, Adopted 15th December 2014 and with the plan as a whole.

Votes – 5 for, 3 against, 2 abstentions

25 Planning Application 2024/1223/FUL - Land at 361185 153689, Ston Easton
2 Lane, Ston Easton, Wells, Somerset - Agenda Item 6

The Officer's Report stated that the application had been referred to the Planning Committee at the request of the Vice Chair, following referral.

The recommendation for refusal was due to the application failing to meet the criteria of a self-build application in Policy DP24. Therefore, this would result in a dwelling in the countryside where development is strictly controlled. This would lead to unjustified encroachment and would not be sustainable due to the distance to and accessibility of local services and facilities.

There had been 6 letters of support from local residents and none in objection. Supportive comments included:

- No impact on existing properties
- Will allow a family to stay in the area
- It would contribute to the local community
- The family grew up locally and have strong links
- Living near older parents will benefit both households

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

The applicant spoke in support of his application. He made the following comments:

- He felt he did comply with the requirements of a self-build application and was very keen to do a self-build.
- He has lived at Chewton Fields for many years and did meet the criteria of Policy DP24.
- He wishes to provide a family home and be able to live near his parents to

- give them the support they need as they age.
- There is full support for the application from the Parish Council and local residents.
- There is a bus stop nearby with a regular service. There would be no increase in the use of private vehicles as he already lives on site.
- The house will be built to high eco standards with solar panels, air source heat pumps and he would be more than happy to enter into a S106 agreement.

In the brief discussion which followed, Members were supportive of the application. They noted that the location appeared to be sustainable and the design was in keeping with the locality. There were no adverse impacts. They were keen to ensure that the approval would be as a self-build.

The Legal Advisor suggested that, as the application did not comply with Policy DP24, the application would need to be advertised as a departure from the development plan. In addition, there would need to be a S106 Agreement to secure the dwelling as a self-build unit.

Members were happy with this suggestion and Councillor Edric Hobbs proposed to approve the application, contrary to the Officer's Recommendation with the addition of a S106 agreement to secure the application as a self-build. This was seconded by Councillor Ros Wyke.

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

RESOLVED

That planning application **2024/1223/FUL** be **APPROVED** as a departure to the development plan Policy DP24, contrary to the Officer's recommendation, as the scheme was deemed to be in a sustainable location with no adverse impacts identified. The Committee also gave weight to the fact that the dwelling would be constructed and occupied as a self-build unit.

That delegated authority be given to Officers to issue the permission subject to advertising the application as a departure, the prior completion of a S106 Agreement to ensure that the dwelling is constructed and occupied as a self-build unit and the imposition of necessary planning conditions.

Votes – 9 for, 1 against.

25 Planning Application 2024/1435/HSE - 62 Whitstone Rise, Shepton Mallet, 3 Somerset - Agenda Item 7

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

The application was for the demolition of an existing garage, and the construction of

a “wrap-around” extension.

The Report continued that the proposal, by reason of its design, scale, and materials was acceptable. It respected the amenity of occupants, neighbours and the public. Parking provision on site continued to meet the requirements for a dwelling at this location and therefore the recommendation was for approval.

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

There were no speakers registered.

Members felt there was no debate required and acknowledged that the application had come to Committee for probity reasons. Councillor Barry Clarke proposed and Councillor Edric Hobbs seconded that the application be approved in accordance with the Officer’s recommendation.

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

RESOLVED

That planning application **2024/1435/HSE** be **APPROVED** in accordance with the Officer’s recommendation.

Votes – Unanimous

(The meeting ended at 12.35 pm)

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CHAIR