

Public Agenda Pack



Minutes of a Meeting of the Planning Committee - East held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Thursday, 11 July 2024 at 2.30 pm

Present:

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

Cllr Barry Clarke	Cllr Dawn Denton
Cllr Martin Dimery	Cllr Bente Height
Cllr Rob Reed	Cllr Philip Ham

17 Apologies for Absence - Agenda Item 1

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It was noted that Councillor Helen Kay was on a leave of absence. Councillor Michael Dunk sent apologies as her usual substitute. Councillor Susannah Hart had sent apologies and Councillor Philip Ham was her substitute. Apologies had also been received from Councillors Adam Boyden, Martin Lovell, Tony Robbins and Claire Sully.

17 Minutes from the Previous Meeting - Agenda Item 2

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The Committee was asked to consider the Minutes of the meeting held on 4 June 2024. Councillor Dawn Denton proposed and Councillor Edric Hobbs seconded that they be accepted as a true and accurate record and were approved.

17 Declarations of Interest - Agenda Item 3

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Although there was no requirement to do so, Councillor Dawn Denton wished it to be minuted that, regarding Agenda Item 5, she knew the landowner's brother in a business capacity.

17 Public Question Time - Agenda Item 4

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There were none.

17 Planning Application 2023/2183/FUL - Land to the South East of Bradford

9 Rode, Frome, Somerset - Agenda Item 5

The Officer's Report stated the application relates to the construction and operation of a solar photovoltaic farm with battery storage and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. This application had been considered by the Planning Committee on 7th May 2024 when the application was deferred. Members asked the applicant to give further consideration to the following:

1. Access arrangements on Monkley Lane.
2. The scale of the development in terms of the quantum of the application scheme and its impact on the landscape and heritage assets, in particular the conservation area and listed buildings.

Members also requested a site visit for Planning Committee Members be arranged.

Following the May Planning Committee, the following updated information had been received from the applicant:

- Cover letter confirming proposed changes.
- Updated access strategy statement
- Revised landscape and ecology overarching plan
- Revised proposed layout plan
- Revised development zone plan
- Revised plans for proposed inverters

Reconsultation with all consultees and neighbours also took place.

The Officer's Report continued that Monkley Lane was no longer proposed to be used for any construction traffic. Also, that the applicant had submitted updated plans showing that panels would be moved further away from Flexham Farm (GII listed), and there would be enhanced landscaping on the southern side of the A361. This has resulted in the Conservation Officer removing the former objection on heritage grounds. Amendments to the proposed inverters were also proposed.

Rode Parish Council continued to object to the scheme.

The Officer's Report concluded that considering all the harms and benefits in the overall planning balance, the benefits outweighed the harms and the application was recommended for approval.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation and also advised that there had been an update to the report on the soft landscaping plan.

There were 3 speakers in objection to the application including representatives from the Mendip Bridleways and Byways Association and CPRE (Campaign to Protect Rural England). Their comments included:

- The siting of the storage batteries is too close to residents, on prime farmland and pose a danger to life should a fire break out.
- Relieved that Monkley Lane will no longer be used during construction phase, however, concerned that access road within the site is only temporary.
- Emergency vehicles would have to use Monkley Lane which is too narrow and would be unsafe for vulnerable road users as it links the local bridleways and rights of way.
- Hedge removal would mean that residents would clearly see the solar panels. Want any existing and new hedging to be protected.
- Drainage on Monkley Lane needs to be improved and should be a planning condition.
- The proposed changes since the deferment from the May 2024 Committee are extremely minor and have not addressed the proximity of the solar farm to the village, the conservation area and the 75 listed buildings in the vicinity.
- No work has been done by the applicant to see if a smaller site would have still been viable and profitable.

In support of the application, there was one speaker who made the following comments:

- Farmers are encouraged to diversify by local and central government to create a sustainable future. A solar farm does this.
- The new government encourages green energy.
- The site will provide renewable energy for 16,000 homes.
- The land is very wet, unworkable clay which results in poor crops, poor herbicide efficacy and even with drainage, it often floods.
- As a result of comments from the last meeting, solar panels have been removed from around Flexham Farm which is a listed building.
- Existing hedges are tall and thick, meaning that the panels would not be visible from the village of Rode.

The next speaker represented the views of Rode Parish Council. These included:

- The revised plans have not reduced the quantum of the site, in fact, it is slightly bigger.
- Only one listed building has been considered in the revised plans.
- The access issues have only been considered during the construction period.
- Monkley Lane is too narrow for emergency vehicles.
- Proposed changes by the applicant are only minor and have not addressed all the concerns raised at the previous meeting.
- The Parish Council is extremely disappointed that the applicant has not engaged with the local community.

The Divisional Members for Frome North are Cllr Adam Boyden and Cllr Dawn Denton. Cllr Boyden was not able to attend the meeting but had sent a statement to be read out by the Chair. It included the following points:

- Satisfied that construction traffic will not be permitted to use Monkley Lane, but concerned emergency vehicle access is still to be determined.
- The scale of the development has not been fully addressed. Although applicants have slightly reduced the scale and there is increased landscaping proposed, it remains a very large footprint which is greater than the size of the village itself.
- Agrees with Rode Parish Council that the permanent and emergency access routes should be agreed prior to approval of the scheme. Also, to further reduce the scale of the development. Would request the Committee to defer again to address these issues.

Councillor Dawn Denton then spoke. She gave details of the site visit made the previous day and noted that the allocated fields were all well hidden by existing trees and hedgerows. The concerns that Monkley Lane was too narrow for emergency vehicles to access the site would also apply to the existing houses, stables and farm vehicles. It did not appear to be a concern for them. She also understood that the land had become more difficult to farm due to climate change and noted that the Conservation Officer was happy with the changes to address the impact on the heritage assets of the village.

The final speaker was the planning agent on behalf of the applicant. He made the following points:

- As a result of deferral from the May 2024 Committee, the applicant has improved the scheme.
- Further panels around Flexham Farm have been removed from the scheme.
- No construction traffic will use Monkley Lane and will now use private access from the A361.
- Panels in the field adjacent to Bradfield Road are now 20m from the

hedgerow and additional hedging will be planted.

- The application has no technical objections and is supported by the Planning Officer.

In the discussion which followed Members made the following comments:

- Supportive of green solar energy but not at the expense of decent farming land.
- As the Parish Council are still not content, could consider another deferral.
- Would prefer to see the size scaled back further, away from Rode village and the property in Monkley Lane.
- Monkley Lane is not that narrow and emergency services will be able to access.
- Could enhanced landscaping particularly along Bradford Road and clearance of the footpath at the end of Monkley Lane be added to the conditions?
- The benefit of the provision of clean, green energy for 16000 homes should be balanced against the loss of poor-quality farmland. Failing crops use a lot of CO2.
- Concern that if the application was deferred again, the Council could be at risk of appeal.
- Concern over potential battery fires. Although there is a battery container management system in place, what does this do to prevent the spread of fire and toxic fumes? Could the battery storage be moved further away from houses?
- Somerset Council has declared a Climate Emergency. The application should be approved.
- The solar panels are not visible from the road when driving by and are silent – unlike wind turbines.

In response to questions raised by Members, Planning and Highways Officers advised the following:

- The applicant could appeal against non-determination if the application was deferred again.
- The fire authority is happy in principle with the detailed management plan and all consultation comments have been taken into account.
- The battery storage has been located due to it being a more contained area which will have less impact on the landscape. It is the best place for it.
- The number of panels has actually reduced in the revised plan. The landscape condition could specify species to be used if required.
- As this is not for housing application, the application does not need to be considered under the “tilted balance”. There are no objections from the Conservation or Land Officers.

- Monkley Lane is 3.7m wide. Fire engines are 2.6m wide. The fire service has been consulted on access and there have been no concerns raised on this by them.
- The landscape condition includes pre-commencement work and a timescale for all works. The applicant has agreed that some can start sooner than specified in the condition, in particular at Bradford Road, where a 16m buffer between the road and the panels will be landscaped.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Nick Cottle 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, 1 against and 1 abstention.

RESOLVED

That planning application 2023/2183/FUL be **APPROVED** in accordance with the Officer's recommendation.

Votes – 6 for, 1 against, 1 abstention

18 Planning Application 2023/0385/FUL - 31 Stockhill Road, Chilcompton, 0 Radstock, Somerset - Agenda Item 6

The Officer's Report stated that the application had been referred to the Planning Committee as the Parish Council had raised no objection to the scheme, but the Officer Recommendation was for refusal.

The application related to a site which formed part of the residential curtilage of 31, Stockhill Road, and included access to the highway. Access to the proposed dwelling would utilise the existing access to number 31.

The Parish Council had no objections but there had been one letter of objection from local residents.

The Officer's Report concluded that the proposal represented a cramped form of development which was not in keeping with the existing pattern of development in the immediate vicinity of the site. It would cause harm to the character and appearance of the area and result in amenity loss for future occupiers of an adjacent property.

Although the Council is unable to demonstrate a 5 year housing and therefore the

tilted balance comes into effect, the design and amenity harms as identified would significantly and demonstrably outweigh the very modest benefits of bring forward one additional dwelling. The application was therefore recommended for refusal.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation and also gave a verbal update that, following amendments to the proposal, the 2nd reason for refusal regarding visual amenity had been withdrawn from the refusal reasons.

The applicant's agent was the only speaker. He made the following points:

- The application is for a very modest, highly energy efficient family home, the size and type of which is in great demand across the county.
- The only objection remaining relates to the size of the rear garden of the proposed dwelling, however it is in keeping with the size of the proposed dwelling.
- Gardens nearby are larger as the properties they are attached to are much larger.
- There are no objections from statutory consultees and the Parish Council supports the application and recommends approval.

In the discussion which followed Members raised concerns regarding lack of parking but the Officer confirmed that there was sufficient for all 4 houses along the drive. There was also discussion about the cramped nature of the development and the potential harm on future occupiers and to the character and appearance of the area.

At the conclusion of the discussion, Councillor Edric Hobbs proposed approval, contrary to the Officer's recommendation, as the application would not result in overcrowding nor would the amenity of the neighbouring house be affected. This was seconded by Councillor Dawn Denton.

On being put to the vote, there were 4 votes in favour, and 4 votes against the proposal. Councillor Nick Cottle, as Chair, had a casting vote and he voted against the proposal.

It was then proposed by Councillor Bente Height and seconded by Councillor Barry Clarke to refuse the application in accordance with the Officer's recommendation.

On being put to the vote the proposal was carried with 5 votes for (including the Chair's casting vote) and 4 votes against.

RESOLVED

That planning application 2023/0385/FUL be **REFUSED** in accordance with the Officer's recommendation which was updated verbally at the meeting to remove the 2nd reason for refusal regarding residential amenity.

Votes – 5 for, 4 against

There was a short comfort break before agenda item 7 during which Cllr Dawn Denton left the meeting.

**18 Planning Application 2020/1513/FUL - Ashmount, Old Frome Road, East
1 Horrington, Wells, Somerset - Agenda Item 7**

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

The application related to a site within the grounds of Ashmount in a village called East Horrington which does not have a development boundary. However, the village is near Wells, and is outside defined development of this principal settlement. It was within the Somerset Levels and Moors Ramsar Risk Area and the application was for the erection of an accessible and adaptable whole life dwelling.

The Parish Council had recommended approval and there had been two letters of support from local residents.

The Officer's Report concluded that planning permission should be refused because the proposal was unjustified unsustainable development, where the harms to the character and appearance of the area and biodiversity generated by the proposal significantly and demonstrably outweighed the benefits.

The Planning Officer explained the application to the Committee with the aid of a PowerPoint presentation. She also gave an update regarding the priority habitat stating that the system mapping of the trees seemed to be incorrect, but that it was not possible to say for certain what was the actual situation.

The first speaker in support of the application was a neighbour. He made the following comments:

- He had 30 years of experience as a forester and 10 years in climate change and biodiversity.
- The arboreal report is incorrect and in fact the proposal is to remove just 2, alien, non-native trees which had been planted to gain quick canopy cover

years earlier.

- The village has older properties to one side of Frome Road, and more modern properties on the side where Ashmount is located. The character on this side is more modern with a mix of bungalows and houses and therefore the proposed house would be in keeping with the character of properties on this side the road.
- The whole life dwelling proposal will take pressure off the NHS and social care services.

St Cuthbert Out Parish Council had provided a written statement which the Chair read out. It gave reasons for supporting the application as follows:

- The house was well designed for the use of family member with disabilities.
- It would not been visible from the road and fitted into the landscape very well.
- There was no risk to loss of privacy to neighbours and the design incorporated established trees to soften and disguise the dwelling and garage.
- The phosphate concerns have been successfully mitigated and would not adversely affect the integrity of the of the Somerset Levels and Moors Ramsar site.
- It met all the requirements for disabled living and achieved all the guidelines set out by the Government for Accessibility and Adaptable Whole Life Dwelling.

The final speaker was the applicant. She made the following points:

- The proposal for an adaptable whole life dwelling had come about due to the families experience when caring for a parent with Motor Neurone Disease.
- The design would incorporate energy efficiency with solar panels, heat pump and high levels of insulation. It would include wheelchair accessibility through the ground floor.
- The village is a thriving rural community with nearby facilities including a village school, nursery and a cricket and golf club, all within walking distance.
- The bus stop to Wells is within walking distance.
- The impact on the character of the village is non-existent as the house would hardly be visible from the road.
- There is support from the local community.
- Tree removal would be limited to poor quality conifers and ash trees suffering from die-back. New trees will be planted.

In the discussion which followed some of the comments made by Members included the following:

- It would be a fitting addition to housing stock and would be an enhancement to the village.
- This side of the village has more modern houses built in the 70s and the house would not be out of keeping to the area.
- Whole life accommodation is in short supply in Somerset. This would be an asset to the County.
- Trees to be removed are not valuable and will be replaced by native trees.
- The house would not be visible from the road.

At the conclusion of the discussion, it was proposed by Councillor Edric Hobbs and seconded by Councillor Bente Height to approve the application contrary to the Officer's recommendation.

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

RESOLVED

That planning application 2020/1513/FUL be **APPROVED** contrary to the Officer's recommendation as it was deemed that the site was in a sustainable location and that it would not be harmful to the rural character of the area. That delegated authority be given to Officers to impose necessary planning conditions, to be agreed in consultation with the Chair and Vice-Chair.

Votes - Unanimous

18 Planning Application 2023/2369/FUL - Crispin Centre, High Street, Street, 2 Somerset - Agenda Item 8

The Officer's Report stated that the application had been referred to the Planning Committee because the recommendation was to refuse but the Parish Council had supported the application.

The application related to a site in Street which has a number of planning constraints.

The Parish Council had supported the application. However, there were objections from the Highways Development Officer, Nutrient neutrality, Heritage Conservation and the Tree Officer.

The Officer's Report concluded that overall, the harms associated with the development were concluded to be significant and demonstrable. Despite pre application discussions, the applicant had disregarded the majority of the Officer advice offered. The applicant had failed to respond to consultee issues raised during the lifetime of the application, or to work positively and proactively with the Local Planning Authority to deliver an acceptable scheme at this site. The application was therefore recommended for refusal for the reasons outlined in the Officer's Report.

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

The first speaker objected to the proposal and made the following points:

- She was one of 7 neighbours that would be overlooked by the retirement building and was speaking on behalf of them all.
- They did not have an issue with the site being developed, but they had concerns with what was proposed and how it would be built.
- Overlooking was a main concern as the tallest part of the development would be at the back of their properties and their gardens would all be overlooked.
- The demolition of the existing buildings would cause noise, dust and vibration for many months.
- The removal of trees will mean there will be a clear line of site to the new building.
- If the issues can be resolved, would support re-development as currently it is a magnet for anti-social behaviour.

The next speaker supported the proposal and made the following points:

- He was the director of the company that owns the Crispin Centre which was acquired by them in 2022.
- It was already dilapidated and the tenants moved out. Subsequently, it was closed.
- Residents of Street regard the redevelopment of the site as a top priority.
- It is a complex and challenging brownfield site which needs a large investment to bring it back into use.
- The homes would provide much needed retirement properties in a sustainable location.
- If not approved, the site will likely remain dilapidated as there are no other competing proposals on the table.

The representative of Street Parish Council was the next to speak. He said the Parish Council supported the application, stating it was an ugly monstrosity which would

only decline further if the application was not approved by Members. In addition, the developer would repair three flats located above some High Street shops, bringing them back into use as low-cost housing. Overflow car parking would be available less than a quarter of a mile away.

The Divisional Members were then invited to speak. Their comments included the following:

- There have been no objections from the trustees of the Crispin Hall to the proposal.
- The parking at South Street Car Park needs some development.
- The mural should be retained.
- Understand the Officer's reasons for refusal but Members need to consider how long the site has been derelict.
- The existing building is ugly and any development will be an improvement.
- Most residents are in favour, as show by the parish survey.
- There are 8 new vehicle charging points in South Street Car Park.
- Most concerns could be addressed and we support the application.

The final speaker was the agent, speaking on behalf of the applicant. Her comments included the following:

- The NPPF requires Local Authorities to give substantial weight to the use of brownfield land within settlements for homes.
- The new government has made it clear we must build new homes and this is a much needed and wanted development on a vacant brownfield site.
- The development sits well within the site and harmonises with character of the area using materials that compliment its setting.
- Car parking provision has been assessed by the applicant as 0.28 spaces per apartment. This development provides 21 spaces which represents 0.48 spaces per unit.
- Phosphate mitigation credits have been secured and can form part of the S106 agreement.

In the discussion which followed some of the comments made included:

- Could negotiations take place with those nearby residents that will be affected by the construction to lessen possible noise, dust, vibration impacts.
- Concerns about the car parking situation and lack of bicycle storage.
- The derelict building is ugly but that does not mean an unsuitable replacement should be approved.

- The Officer has given many sound reasons for refusal and the whole scheme needs to be revisited.
- The threat of non-determination does not sit well. There are significant reasons for refusing this application.
- The site does need redevelopment but this scheme represents over-development. The applicant should work with Officers to find a more suitable and viable scheme.

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

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

RESOLVED

That planning application 2023/2369/FUL be **REFUSED** in accordance with the Officer's recommendation.

Votes – Unanimous

18 Planning Application 2023/2342/FUL - Barn at Valley View Farm, Hinchcombe 3 Hill, Batcombe, Shepton Mallet, Somerset - Agenda Item 9

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

The application related to a site which was a yard consisting of a collection of redundant agricultural buildings of mixed construction styles and materials, that formed a horseshoe shaped courtyard. It was located outside of the development limits and within the Somerset RAMSAR.

The Parish Council had recommended refusal due to the extension of domestic curtilage, loss of agricultural land and drainage onto the road.

The Officer's Report fully assessed the application and how it accorded with the local plan. As such it concluded that the application was recommended for approval.

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

The Chair read out a statement from Batcombe Parish Council which included the following points:

- The application would represent creeping development into open countryside and onto agricultural land.
- There would be further loss of agricultural land due to the additional access track.
- The new access track would result in additional water runoff onto Hincombe Hill where there is already serious safety concerns during icy weather conditions.

The final speaker was the applicant. He stated the following:

- The proposal represented a small addition to the curtilage, none of which would go anywhere near to Hincombe Hill.
- The principal of a residential dwelling in this location has already been established.
- The application would accord with local plan policy DP22 which allows for residential conversion of buildings in the countryside.
- The Planning Officer has confirmed that the matters are satisfied or can be secured by conditions.

In the discussion which followed included comments as follows:

- Hincombe Hill is the main entry point to the large village. The applicant has proposed a drainage scheme that will ensure no water flows onto the road and down the hill.
- Unable to see a problem with the proposed track.
- As it is law that there should be no water runoff from a development onto the highway, suggest an informative would be sufficient which says that no water must drain onto the highway.

It was proposed by Councillor Bente Height 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 unanimous.

RESOLVED

That planning application 2023/2342/FUL be **APPROVED** in accordance with the Officer's recommendation, with an informative regarding the prohibition of water draining onto the highway.

Votes - Unanimous

18 Planning Application 2024/0086/LBC - 16 High Street, Shepton Mallet,
4 Somerset - Agenda Item 10

The Officer's Report stated that the application had been brought to Committee at the request of the Divisional Member who was concerned about possible damage to the listed building and impact on residential amenity.

The application related to a site in the High Street of Shepton Mallet, which was a 3-storey building comprising retail on the ground floor with residential properties above, with separate access. The building is Grade II listed and permission had already been granted for the change of use.

The Town Council had supported the application as it would have a positive impact on the economy of the town.

The Officer's Report concluded that the proposal would have less than substantial harm to the significance of the designated heritage asset. In line with the NPPF it was necessary to weigh this harm against any public benefit. In this instance the harm to the significance of the designated heritage asset was outweighed by the public benefit and therefore the application should be approved.

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

There were no speakers registered so the Chair invited Members to discuss the application. The Divisional Member was very concerned that the application for the change of use to the fast-food outlet had already been granted and was very much against this proposal due to the smells that would emit from the outlet affecting nearby residences. She subsequently left the meeting. Another Member added that it was important to keep buildings such as these in use, even if they are Listed.

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

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

RESOLVED

That application 2024/0086/LBC be **APPROVED** in accordance with the Officer's recommendation.

Votes - Unanimous

18 Appeals Report - July 2024 - Agenda Item 11
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The report of decisions made by the Planning Inspectorate between 22 May and 30 June 2024 was noted.

(The meeting ended at 6.30 pm)

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CHAIR