

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, 5 November 2024 at 2.00 pm

Present:

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

Cllr Adam Boyden
Cllr Dawn Denton
Cllr Bente Height
Cllr Martin Lovell
Cllr Claire Sully

Cllr Barry Clarke
Cllr Martin Dimery
Cllr Helen Kay
Cllr Rob Reed

22 Apologies for Absence - Agenda Item 1

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Councillor Susannah Hart had sent apologies and Councillor Philip Ham was her substitute. Councillor Tony Robbins had sent apologies and Councillor Ros Wyke was her substitute.

22 Minutes from the Previous Meeting - Agenda Item 2

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The Committee was asked to consider two sets of Minutes of the meetings held on 3 September 2024 and 1 October 2024. Councillor Edric Hobbs proposed and Councillor Martin Dimery seconded that the first set be accepted as a true and accurate record and were approved. Councillor Helen Kay proposed and Councillor Edric Hobbs seconded that the second set be accepted as a true and accurate record and were approved.

22 Declarations of Interest - Agenda Item 3

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Councillor Barry Clarke declared that he was the applicant for the application in Agenda Item 9 – 2024/1440/HSE – Manor Cottage, Doultong. He said he would leave the room for this item.

Councillor Nick Cottle declared that he was the division councillor for the application at Agenda Item 7 – 2024/1051/OUT – Pear Tree Farm, Glastonbury. He said he was not predetermined and would listen and contribute to the debate with an open mind.

Councillor Ros Wyke declared that she had spoken as division councillor for the application at Agenda Item 10 – 2023/1515/OUT – Land at Gypsy Lane, Wells at a

previous Planning Committee. She said that she had supported the views of the Parish Council and therefore regarded herself as predetermined and would leave the room for this item.

22 Public Question Time - Agenda Item 4

3

There were none.

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

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This application was withdrawn from the agenda by the Planning Officers prior to the meeting.

22 Planning Application 2022/2489/REM - Land at Sub Road, Butleigh, Glastonbury, Somerset - Agenda Item 6

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

The Officer's Report continued that outline permission for the erection of up to 32 dwellings and access was granted on appeal in April 2020. This application was for reserved matters relating to layout, scale, appearance, landscaping and a pedestrian link to the existing footpath network to the village centre. The application would provide 14 different house types, ranging from one to four-bed dwellings, 89 parking spaces, including 25 garage/car ports, and 6 off plot visitor spaces.

There had been 19 negative public comments during the first public consultation and 18 during the second. The parish council did not support the application.

The Officer's Report concluded that the scheme would deliver 32 new houses across the site utilising the access arrangements that had already been agreed. There were no adverse impacts as a result of the proposals which would significantly and demonstrably outweigh the benefits that will be delivered. Careful consideration had been given to the comments of consultees and third parties. The proposals had been revised a number of times in order to try and address the comments of consultees. Whilst some concerns remained, it was considered that the scheme was now acceptable. The recommendation was therefore for approval, subject to the prior signing of a s106 agreement and planning conditions.

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

There were 4 speakers in objection to the application. Their concerns included:

- Lack of engagement between the developers and local residents
- Buffers and boundary issues
- Effect on the 5 x Grade 2 listed buildings nearby and overlooking

- Density of the development in what is an infill site
- The development will exacerbate current flooding issues including sewage that spills into neighbouring gardens during heavy rain.
- Layout is out of keeping with surrounding properties
- Existing subsidence on the site will worsen
- The size of properties at the eastern end are too large and too high

Councillor Trevor Willmott from Butleigh Parish Council then spoke about the situation regarding access to the play area within the proposals. He said that the access land was owned by Butleigh PC but they had refused to grant access across the land for safety reasons. The situation was still unresolved and therefore until addressed, the PC would not grant access to this area as required by the Planning Inspector.

The final speaker was the planning agent. He said that, at appeal, the Planning Inspector had agreed that 32 dwellings could be built on the site. The housing mix and number of affordable homes (10) was as agreed with the Local Planning Authority. This would make a good contribution to housing numbers in the area. The number and density of the houses was acceptable to the Planning Inspector and will have large back garden. There had been many improvements made to the scheme it was now impossible to differentiate between the market and affordable homes.

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

- The community had expressed their concerns regarding sustainability, local need, active travel and affordability very clearly and the developer should engage with the community to address those concerns.
- The ecological buffers will need to be maintained.
- Concern that there are no solar panels or air source heat pumps proposed.
- The slope of the site could contribute to flooding on site and exacerbate the existing sewage problem. Are we certain that the LLFA can cope?
- The housing mix should include quality, 2-bed houses in the market homes as well as the affordable homes.
- Active travel is a fundamental priority of the Council and there should be very clear pedestrian and cycle access.
- There appears to be very minimal storage areas or garages proposed.
- The orientation of some of the dwellings should be changed to make the most of the direction of the sun.
- Parking provision on site could be improved.
- The affordable housing should be spread throughout the development, rather than located in one area.
- Is there a construction management plan and will the estate road be adopted?
- Car ports are of little value for storage as not secure and there is no bike storage provision.

Planning Officers responded as follows:

- Access had already been agreed at the outline stage and therefore Members need to concentrate on the internal layout, scale, appearance and landscaping.
- The site and number of houses being built has already been approved by the Planning Inspectorate, so the sustainability of the site is not for consideration.
- The provision of the connecting footpath is a condition that must be satisfied. If the applicant is unable to do so, they will have to give a satisfactory explanation of what has been done to try to achieve it. The developer will have heard the debate and will realise that they must work with the Parish Council, but this would not be a reason for Members to refuse the application.
- Officers believe the mix of housing is acceptable. Drainage is managed via the relevant condition. Members could choose to add conditions for air source or ground source heat pumps and solar panels.
- The amount of parking is in accordance with the Core Policy standards.
- Storage has been considered adequate with loft space and gardens large enough to take a shed.
- The applicants have had assurance from Wessex Water that they can cope with the additional water and sewage from the development.
- As there is limited affordable housing in the development it was deemed acceptable by Officers to be kept in one location.
- The Construction Management Plan has been revised and is now acceptable. There is no requirement for the developer to put the road up for adoption.

At the conclusion of the debate, Councillor Martin Lovell proposed to approve the application in accordance with the Officer's Recommendation, but with an added condition suggested by Councillor Helen Kay regarding details of energy conservation and efficiency measures to be utilised in the construction and the ongoing occupation. This was not seconded before Councillor Philip Ham proposed a deferral which was seconded by Councillor Claire Sully. In the vote which followed, the proposal for deferral was not carried, with 4 votes for deferral and 9 against.

The first proposal to approve made by Councillor Martin Lovell was then seconded by Councillor Nick Cottle. Planning Officers made it clear that criterion e) of condition 3 pursuant to the planning permission under LPA case ref: 2018/2648/OTS would not be resolved by the plans as to be approved under this application.

On being put to the vote the proposal was carried with 7 votes in favour, 3 against and 3 abstentions.

RESOLVED

That planning application **2022/2489/REM** be **APPROVED** in accordance with the Officer's recommendation with an additional condition to be added to require further details of energy conservation and efficiency measures to be utilised in the construction and the ongoing occupation of the new houses to be submitted to and approved in writing prior to the commencement of any development. The precise wording is delegated to Planning Officers, and to be approved by the Chair, Vice-

Chair and Councillors Kay and Sully.

Votes – 7 in favour, 3 against, 3 abstentions

**22 Planning Application 2024/1051/OUT - Land at Pear Tree Farm, Cullen Farm
6 Road, Glastonbury, Somerset - Agenda Item 7**

The Officer's Report stated that this application had been referred to the Planning Committee as the recommendation of the Planning Officer for approval was contrary to that of Glastonbury Town Council, which did not support the application. It was also classified as a major application and considered a departure from the local plan.

The Officer's Report continued that the application was for outline planning permission for up to 24 dwellings, to be accessed via an existing vehicular entrance off Old Wells Road and the estate road serving properties on Uppingstock Road and Cullen Farm Road, which was developed by Elan Homes. Details such as layout, scale, appearance and landscaping would be the subject of a future application.

The site was in the north east of Glastonbury and east of the Elan Homes development and is a gentle slope with higher ground in the south. Hedgerows line 3 sides of the boundary of the site.

In the planning balance, the Officer's Report judged the overall benefits to be significant and the harms to be limited and whilst the development was contrary to the development plan overall, the National Planning Policy Framework (NPPF) states that permission should be granted unless the harms significantly and demonstrably outweigh the benefits. The recommendation was therefore for approval, subject to the prior signing of a s106 agreement and planning conditions.

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

Before the public speakers, the Chair, Councillor Cottle, reiterated that he was not predetermined but that he was the division councillor. He was willing to listen to the debate and take part in the discussion with an open mind.

There were 2 speakers in objection to the application. Their concerns included:

- The application is in direct conflict with the local plan.
- Despite the housing shortfall inherited by Somerset Council, it would be a bad planning decision to allow further development into open countryside.
- The layout and design of the site is poor.
- The swept path analysis has shown that refuse lorries will overhang the footpath and struggle with a hairpin bend.
- The development will be detrimental to nature.
- It will be visible from the top of the Tor.
- The risk of flooding will increase particularly as there is more rainfall we now experience.
- There will be a severe loss of quality of life for people who enjoy edge of town living.

The final speaker was the agent for the applicant. He said that the application was for outline permission as an extension of the existing Elan Homes development which was given permission due to the Council's housing land supply shortfall. With conditions there would not be any adverse impact on the landscape. Highways had approved utilising the existing Elan Homes approach road and reminded Members that the layout was not to be decided at this stage. The applicant had accepted the s106 conditions and the application included an active travel plan and a new pedestrian link to town. He added that the Council accepted that more housing would have to be built on greenfield land outside housing limits to meet the housing needs of council and this development meets that need.

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

- The development is too close to the heritage site of the Tor and St Michaels Church and will be visible from the top of the Tor.
- The neighbourhood plan is being ignored.
- This will cause increased traffic on the Old Wells Road.
- Concern regarding the impact of the additional street lighting on the dark skies and bats. Is street lighting strictly necessary on this development?
- There is a footpath which runs through the site. Can a condition be added to have the footpath diverted?
- The road layout does not appear correct with the S shape causing problems for larger vehicles.
- Due to the flooding concerns would like a condition to be added regarding permeable paving.
- The development will creep closer to Tor which is a scheduled monument. This a step too far and the harms would be significant.

Planning Officers responded as follows:

- The site is not visible when standing at the foot of St Michaels Church atop the Tor.
- Although contrary to the development plan, the NPPF sets out a specific rule which says where there is a housing shortage, unless the harms significantly and demonstrably outweigh the benefits, the application should be approved. In the Officer's opinion, the harms do not outweigh the benefits.
- The impact of additional traffic for 24 houses is not considered to be severe, which a Planning Inspector would likely agree with.
- When the Elan Homes application was refused by Mendip District Council in 2013, also when the Council did not have a 5-year housing land supply, the Inspector approved the decision at appeal.
- There is a lighting scheme which includes lighting that is a lower lux than normal street lighting, to minimise the impact for bats.
- The footpath has already been diverted which was done as part of the Elan Homes development. It now runs around the edge of the site.
- The layout is not for deciding with this application and may change.
- Condition 6 includes details of surfacing materials and the applicant will need

to submit the details which Planning Officers will assess.

- The applicant wanted to develop a larger area but due to the creep towards the Tor, this is the maximum area acceptable to Officers.
- The statutory consultees are used to help assess the harms and benefits and on balance, the specialists and consultees have decided the benefits outweigh the harms.

Councillor Adam Boyden said that the reasons that Members may be considering for refusing the application would not be good enough. He recognised that Planning Officers had refused the applicants original desire for a larger development that would creep closer to the Tor and he proposed the application be approved, in line with the Officer's recommendation with added conditions to protect dark skies and the impact on the landscape feature of the Tor. This was seconded by Councillor Edric Hobbs. In the vote which followed, the proposal for approval was not carried, with 4 for approval, 6 votes against and 3 abstentions.

Councillor Adam Boyden left the meeting.

Members further debated the application and remained concerned about the impact of the proposal on the Tor and Church. Councillor Helen Kay proposed refusal which was not seconded and she later withdrew her proposal.

At the end of the discussion Councillor Rob Reed proposed deferral of the application, contrary to the Officer's recommendation, to enable Planning Officers to gather more information from relevant experts on the impact of the proposal on the Tor and Church. This was seconded by Councillor Ros Wyke.

On being put to the vote the proposal was carried with 8 vote in favour, 2 against and 2 abstentions

RESOLVED

That planning application **2024/1051/OUT** be **DEFERRED** contrary to the Officer's recommendation to allow Planning Officers to gather more information from relevant experts on the impact of the proposal on the special landscape feature of St Michaels Church and Glastonbury Tor.

Votes – 8 in favour, 2 against, 2 abstentions

22 Planning Application 2023/1932/FUL - Barns at Wellhayes Farm, Lower 7 Westholme Road, Pilton, Somerset - Agenda Item 8

Due to time constraints, the Chair announced that this item would be brought to a future meeting of the Planning East Committee.

22 Planning Application 2024/1440/HSE - Manor Cottage, School Lane, Doultling, 8 Shepton Mallet, Somerset - Agenda Item 9

Due to time constraints, the Chair announced that this item would be brought to a

future meeting of the Planning East Committee.

**22 Planning Application 2023/1515/OUT - Land at 353038 145483 Gypsy Lane,
9 Wells, Somerset - Agenda Item 10**

Due to time constraints, the Chair announced that this item would be brought to a future meeting of the Planning East Committee.

**23 Appeals Report - Agenda Item 11
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Due to time constraints, the Chair announced that this item would be brought to a future meeting of the Planning East Committee.

(The meeting ended at 6.10 pm)

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CHAIR