

MENDIP DISTRICT COUNCIL

Minutes of the Planning Board held on Wednesday 15 March 2023 in the Council Chamber, Shepton Mallet, starting at 6pm.

PRESENT:

Councillors: Damon Hooton (Chair), Nigel Hewitt-Cooper (Deputy Chair), Eve Berry, Nick Cottle, Francis Hayden, Steve Henderson, Edric Hobbs, Helen Kay, Lindsay MacDougall, Matthew Martin, Lucie Taylor-Hood, Alan Townsend and Laura Waters.

SUBSTITUTE MEMBERS:

Councillor Alan Townsend
Councillor Lois Rogers

OFFICERS PRESENT:

Tessa Hampden	Principal Economic Growth Planner
Martin Evans	Legal Advisor (online)
Tessa Hampden	Team Leader – Development Management
Julie Reader-Sullivan	Head of Service – Planning & Growth (online)
Nick Ryder	Democratic Services Officer
Simon Trafford	Team Leader – Development Management
Debbie Widdows	Democratic Services Officer

Agenda Item Number	Subject	Actioned By
1	Chair's Announcements The Chair welcomed everyone to the meeting and gave announcements. He also thanked everyone and wished everyone well.	
2	Apologies for Absence Apologies for absence were received from Councillors Adam Boyden, Tom Killen (Lois Rogers substituted), and Mike Pullin (Alan Townsend substituted)	
3	Declarations of Interest There were none. Councillor Nigel Hewitt-Cooper stated that Items DM01 and DM02 on the agenda were deferrals. Although they had been previously discussed, Members at the meeting were of an open mind and not predetermined.	

4	<p>Public Participation</p> <p>Items not on the agenda</p> <p>There were none.</p> <p>Items on the agenda</p> <p>There were none.</p>	
5	<p>Previous Minutes</p> <p>The Board was asked to consider the Minutes of the meeting held on 18 January 2023 and adjourned to 25 January 2023. Councillor Matt Martin proposed and Councillor Edric Hobbs seconded that they be accepted.</p> <p>These Minutes were taken as a true and accurate record and were approved.</p> <p>The Board was asked to consider the Minutes of the meeting held on 15 February 2023. Councillor Francis Hayden requested that the Minutes be amended on Page 10 in the top paragraph, where he was referred to as <i>another Member</i>, to be changed to his name.</p> <p>He also pointed out that on Page 17 of the Minutes item DM03 had been repeated on page 23. The Chair undertook to withdraw these Minutes from the agenda for this to be looked into and brought back for approval at a subsequent meeting.</p> <p>RESOLVED:</p> <p>That the Minutes of the meeting held on 18 January 2023 and adjourned to 25 January 2023 be approved as an accurate record of the proceedings.</p>	Helen Bowen
6	<p>Resolution to Agree All Recommendations made on Development Management Applications Not Raised for Discussion.</p> <p>The Chair advised that as all items had been raised for discussion, this agenda item was not required. He also announced that the Items would be discussed in the following order – DM03, DM01 and DM02.</p>	

7	Development Management - Planning Applications	
DM03	<p data-bbox="371 253 1176 353">2022/1886/FUL East End Meadow, East End Lane, Chewton Mendip, Radstock Chewton Mendip and Ston Easton.</p> <p data-bbox="371 398 1176 544">The Officer presented a report in which she reminded Members that it was an update with reference to the full application considered at Planning Board on 25 January 2023 (adjourned from 18th January 2023).</p> <p data-bbox="371 584 1176 730">At the meeting on 25 January 2023, Members had agreed to defer the decision on the application to allow the applicant an opportunity to address the impact of the development on the visual amenity of the area.</p> <p data-bbox="371 779 1176 1111">Since the application was last presented to the Planning Board, the applicant had relocated the proposed building to the northwest corner of the site and amended the walling materials on the North, East and South elevations to wooden cladding rather than box profile sheeting. The applicant had also removed any roof lights proposed within the building and provided clarification that there would be no exterior lighting and any interior lighting would be by low energy/wattage fittings.</p> <p data-bbox="371 1149 1176 1216">Scope of Additional Information submitted to seek to redress the referral reason:</p> <ul data-bbox="371 1261 1176 1447" style="list-style-type: none"> • Revised block plan showed the relocation of the building. • Revised drawings showed the new proposed materials and removal of roof lights. • Revised Design and Access Statement. <p data-bbox="371 1485 1176 1664">The revised plans clarified and showed a relocation of the agricultural building to the northwest corner of the field which was approximately 43m further north than the previously proposed location and approximately 140m from the nearest residential property.</p> <p data-bbox="371 1704 1176 1816">A discussion followed regarding the addition of timber cladding on the west side of the building where the general public would see it.</p> <p data-bbox="371 1854 1176 2027">As per the report presented to the Board in January 2023, the Officer's Recommendation remained to approve the application subject to the recommended conditions and advice as set out in the original report which had been updated to reflect the additional matters</p>	Jennifer Alvis

	<p>addressed in the updating report and the additional information provided following the deferral decision.</p> <p>Councillor Edric Hobbs proposed that the revised application be approved in accordance with the Officer's recommendation but with an amendment to Condition 3 that the rear elevation be timber clad for reasons of visual amenity. This was seconded by Councillor Steve Henderson.</p> <p>RESOLVED</p> <p>That the revised application be approved in accordance with the Officer's Recommendation with an amendment to Condition 3 to require the timber cladding of the rear elevation.</p>	
<p>DM01</p>	<p>2021/1480/OTS Land At 366479 152724, Fosse Way, Stratton On The Fosse, Shepton Mallet Ashwick, Chilcompton And Stratton</p> <p>The application was originally heard at Board in July 2022 and Members resolved to grant planning permission in accordance with Officer's Recommendation. This was subject to the signing of a s106 legal agreement to secure the planning obligations as set out in this report.</p> <p>However, since the resolution, there had been a material change in the policy position which meant that this application had to be re-considered by Planning Board. These changes in circumstances did not however change the Officer Recommendation and it remained recommended for approval.</p> <p>The Officer presented her report which outlined planning permission for the erection of up to 270 dwellings, formation of vehicular accesses, open space, landscaping and associated works with all matters reserved except for access at the Land At 366479 152724 Fosse Way, Stratton on The Fosse, Shepton Mallet, Somerset.</p> <p>The Chair then invited John Carter to speak in opposition to the application. He questioned Mendip District Council's refusal to consider some issues as this, he believed, contravened the law as set out in the Judicial Review. He wished to point out the following, among other things, in support of this:</p>	<p>Tessa Hampden</p>

- The refusal to remove MN1 as designated status as ordered by the Judicial Review.
- The failure in the sustainability approach process to consider reasonable alternatives to the allocation of the 505 dwellings to only be in the Northeast area of the Mendip District.
- That MN1 should be given no weight in determining planning applications as this was struck out from the adopted Local Plan Part 2 (LLP2) and was disregarded.

The Chair then invited Jennifer Gregory who spoke on behalf of Stratton on the Fosse Parish Council who were in opposition to the application. She went on to say that despite the fact that MDC had to accept the Judicial Review, they had done so reluctantly and had supported this application as a result. She maintained that the number of houses was too large and this would have a negative effect on the local area. She confirmed that all of the surrounding councils, namely BANES, Westfield, Midsomer Norton, Radstock and Stratton on the Fosse, objected to this application as the responsibility for the sustainability of this site would fall on them to maintain for which they would receive no financial benefit. She concluded her speech by saying that Stratton on the Fosse could not support this type of development.

Next to speak was Simon Steel-Perkins, the Director of Waddeton Park Ltd and the applicant. He expressed that the benefits were substantial and he maintained that the impacts would be very limited. He stated that the erection of these dwellings would provide 81 new affordable homes.

The Chair noted that one of the County Councillors had attempted to submit a statement about the application but it had not been received by the Officer at Mendip District Council.

A discussion ensued which considered both positive and negative aspects of the development.

Councillor Nigel Hewitt-Cooper proposed the application be approved in accordance with the Officer Recommendation and this was seconded by Councillor Alan Townsend.

This proposal was carried by 11 votes in favour, 1 vote in opposition and 1 abstention.

	<p>RESOLVED:</p> <p>That the application be approved in accordance with the Officer's Recommendation as a departure from the development plan.</p>	
<p>DM02</p>	<p>2022/1510/FUL The Annexe, Spring Heights, Coalash Lane, Spring Gardens, Frome, BA11 2PA Beckington and Selwood</p> <p>The Officer presented her report which outlined that the Annexe at Spring Heights was an existing residential property on the outskirts of Frome. There were residential properties located to the South and Southeast of the site. There was currently a building on the site that had previously been a swimming pool. This had been converted into an annexe. The annexe was subject to a Lawful Development Certificate for occupation as an independent dwelling.</p> <p>The proposal was for the erection of a new dwelling on the site. Although the description referred to a replacement dwelling the proposal did not include the removal of the existing building on the site but it had been explained in the submission that this building would become ancillary to the new dwelling.</p> <p>The site was outside of the development limits within the open countryside. The site was located within the Mells Valley Special Area of Conservation. The site was also identified as within 8m and 20m main river buffers.</p> <p>The application was recommended for refusal on grounds that the proposed development, by reason its scale, size, massing and location, would result in an incongruous development that would have a significant harmful impact on the rural character and appearance of the area and thus fail to preserve the character of the countryside for its own intrinsic value.</p> <p>The Chair read out a statement submitted by Selwood Parish Council which stated that initially they were opposed to this application as they had incorrectly thought that the replacement dwelling on the site would have to be the same footprint as the current swimming pool house, known as The Annexe. However, the agent made them aware that the 'Certificate of Lawfulness of Existing Use or Development' not only related to the pool house dwelling, but covered the same residential curtilage as was included with the application i.e. the</p>	<p>Lorna Elstob</p>

whole of the plot sold by the owner of Spring Heights to the applicants. Significantly, this meant that development could be undertaken anywhere on the site and was not limited to the same footprint as the pool house.

The matter was then discussed again at the next Parish Council meeting and the decision was changed to be in support of the application. Accordingly, the Parish Council reversed their previous response and now supported this proposal.

However, Selwood Parish Council wanted to note that because of the steep narrow access off Coalash Lane, there should be no more than the current two households given access to the site and the residential occupancy of the pool house, must be removed when the occupancy of the new property took place. It was confirmed by the Lead Officer that this could be controlled by planning condition.

The Chair then invited Lee Wright, who was the planning agent, to speak in support.

He explained that although the address made reference to an annexe, the application site, including the whole of the curtilage, benefited from a Certificate of Lawfulness granted by Mendip District Council in 2021 for use as a dwelling in its own right.

He further pointed out that the dwelling posed no visual impact on the surrounds and could not be seen from Coalash Lane to the south. It would largely be screened from distant public footpaths to the north by heavily landscaped boundaries. To the west there was the elevated railway that served the Mendip quarries and to the east there was an existing residential development with many similarly large dwellings.

He concluded his speech by pointing out that there had been no public objections to the application. It further had written support from the immediate neighbours, as well as support from the Parish Council and similarly the Ward Councillor.

The Chair invited Councillor Shannon Brooke to speak in support of the application. She agreed that, with no objections from any neighbours and with the support of the Parish Council and Ward Member, this application should be approved.

	<p>Councillor Shannon Brooke also read out the speech from County Councillor Martin Dimery which stated that he was very impressed by the plans and he also agreed that with no objections from the neighbours he was in support of the application being approved.</p> <p>Contrary to the Officer's Recommendation Councillor Matt Martin proposed the application should be approved on grounds that the proposed development would not have harmful impact on the rural character and appearance of the area. He also proposed that the approval be conditioned to ensure that the annexe could only be used for ancillary purposes and to reduce light spillage. This was seconded by Councillor Edric Hobbs with conditions delegated to the Chair, Deputy Chair, Ward Councillor and Planning Officers.</p> <p>This proposal was carried by 12 votes in favour and 1 against with no abstentions.</p> <p>RESOLVED:</p> <p>That the application be approved contrary to the Officer's Recommendation on grounds that the proposed development would not have harmful impact on the rural character and appearance of the area.</p> <p>That delegated authority be granted to Officers, in consultation with the Chair, Deputy Chair and Ward Councillor, to impose planning conditions, including conditions to ensure that the annexe can only be used for ancillary purposes and to reduce light spillage from the development.</p>	
8	<p>Appeals Report</p> <p>The Head of Service - Planning and Growth Services had provided an Appeals Report. The Team Leader - Development Management took Members through the report, highlighting various appeals submitted and decided, which Members noted.</p>	
9	<p>Urgent Business</p> <p>There was none.</p>	

The meeting finished at 19:45 pm