

MENDIP DISTRICT COUNCIL

Minutes of the Planning Board held on Wednesday, 29 March 2023 in the Council Chamber, Shepton Mallet, starting at 6 pm.

PRESENT:

Councillors: Damon Hooton (Chair) Nigel Hewitt-Cooper (Deputy Chair), Eve Berry, Adam Boyden, Nick Cottle, Francis Hayden, Steve Henderson, Edric Hobbs, Tom Killen, Lindsay MacDougall, Matthew Martin, Mike Pullin and Lucie Taylor-Hood.

SUBSTITUTE MEMBERS:

Councillor Michael Dunk

OFFICERS PRESENT:

Helen Bowen	Democratic Services Officer
Martin Evans	Legal Advisor
Tessa Hampden	Team Leader – Development Management
Carlton Langford	Planning Officer
Julie Reader-Sullivan	Head of Service – Planning & Growth
Charlotte Rogers	Assistant Planning Officer
Simon Trafford	Team Leader - Development Management

Agenda Item Number	Subject	Actioned By
1	<p>Chair’s Announcements</p> <p>The Chair welcomed everyone to the meeting and gave announcements. There was a short delay to the start of the meeting due to technical hitches. The Chair gave thanks to Officers Tracy Aarons and Julie Reader-Sullivan for their tremendous support.</p>	
2	<p>Apologies for Absence</p> <p>Apologies for absence were received from Councillors Helen Kay and Laura Waters.</p> <p>Councillor Michael Dunk substituted for Councillor Helen Kay.</p>	

3	<p>Declarations of Interest</p> <p>Councillor Francis Haydon declared a Disclosable Pecuniary Interest in Item DM01 – Land Adjacent to Worth Farm – as he regularly worked for the Applicant. He said he would leave the meeting during the discussion and vote of this item.</p> <p>Councillors Matt Martin, Steven Henderson and Nigel Hewitt-Cooper all declared a Personal and Non-Prejudicial Interest in the same item due to connections with Worthy Farm and the Glastonbury Festival. They would stay in the meeting to debate and vote.</p>	Helen Bowen
4	<p>Public Participation</p> <p>Items not on the agenda</p> <p>Jane Llewellyn and Councillor Steve Tanner from Frome Town Council conveyed their thanks to the Planning Board for all their hard work over the last few years and wished the non-returning Members well.</p> <p>Items on the agenda</p> <p>None</p>	
5	<p>Previous Minutes</p> <p>The Board was asked to consider the Minutes of the meeting held on 15 February 2023 and adjourned to 22 February 2023.</p> <p>Councillor Francis Hayden requested that at the top of Page 10, the words “another Member” was replaced by “Councillor Francis Hayden”.</p> <p>It was proposed by Councillor Matt Martin and seconded by Councillor Edric Hobbs that they be accepted with the requested amendment.</p> <p>Members were happy to approve.</p> <p>RESOLVED:</p> <p>That the Minutes of the meeting held on 15 and 22 February 2023 be approved as an accurate record of the proceedings with the amendment outlined above.</p>	

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 needed.</p>	
	<p>The Chair advised that the applications would be discussed in the following order – DM02, DM03, DM01</p>	
7	<p>Development Management - Planning Applications</p>	
DM02	<p>2022/0053/OTS Corner Cottage, Quarry Lane, Leigh on Mendip, Radstock, Somerset</p> <p>The Officer's Report stated this application had been referred to the Planning Board at the request of the Ward Councillors with the agreement of the Chair of the Planning Board. The application was for outline Planning Permission, with some matters reserved, for the erection of 3 dwellings with details of access.</p> <p>The Report confirmed that the site related to land north of Corner Cottage, Leigh on Mendip, Radstock, BA3 5QG. The application site was accessed from a northbound unclassified road with a 30mph speed limit and was currently vacant. The plot was 0.16ha and the proposed indicative layout would see a detached dwelling and a pair of semi-detached houses. It was a repeat application to one which had been refused by the Council in 2021 and the applicants had sought to address the previous reasons for refusal which were:</p> <ul style="list-style-type: none"> • The sterilisation of the nearby mineral extraction. • Impact on ecology, no surveys carried out and no protection, mitigation or enhancement proposed. • No surface water drainage scheme submitted to satisfy the Local Planning Authority that an acceptable surface water drainage solution could be achieved to prevent flood risk and • No adequate pollution control of watercourses on the site. <p>Leigh on Mendip Parish Council had objected to the application on principle, saying it was it was isolated and removed from the limited services in the village. Also, they had concerns with minerals safeguarding, access,</p>	<p>Carlton Langford</p>

	<p>highways safety and traffic generation given the proximity to the school.</p> <p>There had been 2 letters of objection from local residents. Concerns included highway safety, visual amenity and overlooking, loss of hedgerow and noise disturbance from the quarry blasts.</p> <p>The Officer's Report continued that the current application had successfully addressed 3 previous reasons for refusal for the development of the site and that, whilst it was acknowledged that the development would be beyond the edge of the village and therefore would represent a departure from local plan policies, it could not be described as being in isolated open countryside.</p> <p>It continued that, as the Council did not have a five-year housing land supply, the tilted balance of the NPPF would apply. The additional 3 dwellings would make a modest contribution to housing in the district, which would be of some weight. There would also be limited economic benefits through the construction period.</p> <p>The assessment of the application had not identified any harm in terms of landscape and visual impact, impact on heritage assets and/or highway safety concerns. Overall, any harms arising from the application scheme were not considered to be significant and would not demonstrably outweigh the benefits delivered. On balance, the Officer Report recommended that planning permission be granted as a departure from the Development Plan.</p> <p>First to speak was Councillor Vicki Taylor on behalf of Leigh on Mendip Parish Council. She said that the Parish Council considered the impact of the development on the setting of the church was a material planning matter which required consideration which the Conservation Officer had not done, even following the recent appeal decision. She said that there was no housing between the Grade 1 listed church and the application site. The road was considered to be the most dangerous within the parish and the village was not considered sustainable. There was no village shop, no public transport and the Parish Council considered the harm of the development outweighed the small benefit of contributing to the 5-year housing land supply.</p> <p>The Chair then invited Ward Councillor Philip Ham to speak. He said he was making a joint statement with</p>	
--	--	--

fellow Ward Councillor Alan Townsend. They supported the Parish Council in their opposition of the application and were surprised that the Officer had said any harms were not considered to be significant and would not demonstrably outweigh the benefits delivered. At the recent appeal, the Inspector had ruled that the visual harms overruled any benefits. The Inspector had also devoted 12 paragraphs to the potential harm to the heritage asset of the church and gave significant weight to this. Both Ward Councillors recommended refusal of the application.

In the discussion which followed many Members were concerned about highway safety due to the proximity of the primary school. There was some discussion regarding the speed limit on the road and whether there were yellow flashing lights at school time and yellow zig zags painted on the road.

The discussion also included potential harm to the heritage asset of the Grade 1 listed church. One Member was concerned about the removal of hedgerows and was keen to know if the Conservation Officer had commented on the application. The Team Leader – Development Management confirmed that the Officer had been consulted but no comments were made. The same Member also queried the assertion in the Officer’s Report that there was already development between the church and the application site and agreed with the speaker from the Parish Council that the church and the vicarage would be adversely harmed.

The Team Leader – Development Management responded that Leigh on Mendip didn’t have a development boundary and he pointed out various buildings that were in the vicinity of the site. He said the development was quite different to the previously refused scheme as was the magnitude of the development. He added that Members must be careful not to say there was a clear, uninterrupted view presently as there was already a building there. Members would need to be clear that any heritage harm was well-founded and justified.

Members discussed the possibility of including new reasons to refuse the application, as 3 previous reasons for refusal had been overcome. The Legal Advisor said that as the original 3 reasons for refusal had been overcome it would be difficult to now apply new reasons for refusal. The two matters of concerns raised in debate were now heritage impact and highway safety but neither

	<p>appeared in previous reasons for refusal of the earlier scheme. He advised it would only be reasonable to use these reasons to refuse the application if there had been a material change in circumstances since the earlier decision</p> <p>Councillor Adam Boyden was concerned that there was not enough information provided to enable a decision to be made, namely the speed limit, parking restrictions and safety markings on the road and the lack of response from the Conservation Officer. He proposed that the application be deferred until this information could be provided.</p> <p>Other Members pointed out that the previous reasons for refusal had been addressed and so there were no longer any reasons to refuse. Councillor Nigel Hewitt-Cooper proposed to approve the application in accordance with the Officer's Recommendation. This was seconded by Councillor Steve Henderson.</p> <p>Councillor Francis Hayden then seconded the proposal to defer.</p> <p>The first substantive proposal to approve the application in accordance with the Officer's Recommendation was put to the vote. There were 3 votes to approve and 10 votes against.</p> <p>Members then voted on the proposal to defer the decision to enable further information to be provided. There were 10 votes in favour and 3 against, so the motion to defer the application was carried.</p> <p>RESOLVED:</p> <p>That the application be deferred to enable further information to be provided regarding the highway speed limit, safety signage and road markings, and for a response from the Conservation Officer to be provided regarding impact upon heritage assets.</p>	
<p>DM03</p>	<p>2022/2148/FUL Land At 378271 145463, East Woodlands Road, Blatchbridge, Frome</p> <p>The Officer's Report stated this application had been referred to the Planning Board following referral to the Chair and Vice Chair. The application had received objections from the Parish Council and the Ward Member.</p>	<p>Charlotte Rogers</p>

The application related to a small field located off East Woodlands Road, south of Frome. There was a small collection of residential properties located near to the application site.

This application sought planning permission for the change of use of the land to horticulture, the installation of a polytunnel and the erection of a site office/welfare unit.

The Parish Council had initially recommended approval with conditions but changed the recommendation to refusal because the plans indicated that the site office/welfare unit was disproportionately large and not in keeping with a horticultural premises of this size. The Ward Councillor also objected to the application.

There had been one letter of support from local residents and one letter of objection. Reasons given for objection included the following:

- The proposed building is too large and resembles a residential property.
- The tool and equipment store are required to be accessed internally.
- The building and parking take up a significant portion of the site.
- Highway safety concerns along the narrow road.

The Officer Report continued that the installation of a polytunnel and formation of the parking area would not result in an unacceptable level of harm to the character and appearance of the street scene. The polytunnel would reflect the context and character of the surrounding area. The proposed site office/welfare unit was considered to be acceptable in terms of its impacts upon the character and appearance of the surrounding area. The proposed unit would provide welfare facilities for the intended employees as well as storage facilities for the required equipment. The positioning of the proposed unit has been determined to be away from the tree line situated on the north-eastern boundary of the application site.

The proposed development would alter the appearance of the site but given the surrounding context it was not considered to result in an unacceptable level of harm to the character of the street scene. The proposed horticultural activities were considered to be appropriate

for the existing context and would not result in an unacceptable level of harm to the amenities of the existing residential properties. The means of access and parking arrangements were considered acceptable and would maintain highway safety standards. Therefore, the application was deemed to be acceptable and the proposed development was recommended for approval.

The Chair then read a statement which had been provided by Selwood Parish Council. It said that initially the Parish Council had approved the application on the proviso that the welfare cabin and treatment plant should not be consented to. However, as the application would be determined including these, they would suggest refusal. They continued that they would look favourably at a re-submission of the application to use the entire site for horticulture with a composting toilet on site. They requested that if the Board was minded to approve the change to horticultural use, then a condition be applied to the consent that the land automatically reverted back to agricultural use should the applicant's business venture fail.

In support of the application, Richard Tremellen was invited to speak. He explained the reason that the proposed building seemed excessively large for the operation was because the applicant already owned the building and rather than purchase a new one, he wished to make use of something he already owned, thus saving money. He pointed out it was smaller than a garage on a neighbouring property. There would be minimal transport to and from the site as the internet-based orders would be for 100s of plants at a time. There would be a need to provide enough turning and parking for large vehicles and added that the positioning of the building had been changed to satisfy the Tree Officer.

Ward Councillor Shannon Brooke was next to speak. She said she agreed with the position of Selwood Parish Council and supported their request to refuse the application.

In the discussion which followed Councillor Lucie Taylor-Hood said Members should not second guess the needs of the business and proposed approval of the application in accordance with the Officer's Recommendation. This was seconded by Councillor Nick Cottle.

Other Members were concerned with the size of the building and said it was too large for the plot and scale of

	<p>the development. There was a suggestion that temporary permission could be granted for a period of 3 years and if the business was a success and expanding, the applicant could re-apply for full permission. The Legal Advisor said that this would be possible if the proposer and seconder were happy to change the substantive motion to include a condition to include a 3-year limit. Councillors Taylor-Hood and Cottle were content with this approach.</p> <p>Another Member pointed out that other conditions relating to drainage, treatment of foul waste and limiting the use of the welfare unit should also be added to the temporary permission, to ensure that the unit could not be used for anything else.</p> <p>It was proposed by Councillor Lucie Taylor-Hood and seconded by Councillor Nick Cottle to approve the application in accordance with the Officer's Recommendation but limited for a period of 3 years with additional conditions to be included covering drainage, foul water treatment and use of the welfare unit. The additional conditions would be agreed by Officers in consultation with the Chair and Vice-Chair of the new Planning East Committee.</p> <p>RESOLVED:</p> <p>That the application be approved in accordance with the Officers' Recommendation, but that the permission be limited for a period of 3 years, with additional conditions to be included covering drainage, foul water treatment and use of the welfare unit.</p> <p>That delegated authority be granted to Officers to include the additional conditions in consultation with the Chair and Vice-Chair of the new Planning East Committee.</p>	
<p>DM01</p>	<p>2022/2458/FUL Land at And Adjacent to Worthy Farm, Worthy Lane, Pilton, Somerset</p> <p>The Officer's Report said that this application had been referred to the Planning Board for a decision by Members at the request of Vice Chair of the Planning Board due to the importance of the site and for reasons of transparency.</p> <p>The application sought planning permission for the proposed mixed use comprising: (i) continuing agricultural use (ii) continuation of annual festival on a</p>	<p>Tessa Hampden</p>

permanent basis; (iii) continuation of the annual Pilton Party; (iv) permanent regularisation of Pyramid Structure and Festival Storage Building; and (v) provision of areas to accommodate the temporary festival workforce.

During the application process, the applicant confirmed they would omit the fallow year campsite from the application in response to concerns raised by the local community. The application description had therefore been amended accordingly.

The Report confirmed that the site predominantly comprised of dairy and arable productive land with clusters of agricultural buildings, often large-scale structures. There were also buildings within the site which were used for solely festival purposes. Public rights of way were located near the main farm complex and on the western part of the site near to the A361. The site comprised a number of Local Wildlife Sites and site was partly located in Flood Zone 2 and 3. There were a number of nearby listed buildings.

There had been objections from Pilton Parish Council and East Pennard Parish Council. West Pennard Parish Council had recommended approval with some provisos. From the local residents there had been 191 comments in support of the application and 21 comments of objection. Supportive comments included:

- One permission to cover the site is a benefit to the community.
- The Festival is a huge asset to the region, and the nation as a whole, both commercially, but also culturally.
- GFEL have made great improvements regarding traffic and pedestrian flow in the village.
- Noise levels for those in the village and have improved.
- The Festival is highly responsive and takes steps to resolve issues quickly.
- The Festival provides ongoing employment in the area.
- Important to have flexibility in the 'build and break' schedules.
- The cultural benefits are significant both to the rural and wider area.
- Any harm is far outweighed any perceived short term local nuisance factors.

- The management of traffic and bringing infrastructure on site for the 'build and break operation has been very well managed.

Objectors' comments included:

- Noise levels/disturbance
- Residential Amenity
- Traffic/Highways issue
- Large areas of the current Festival are unlawful
- Size of proposed Festival significantly greater than the extant temporary permission
- Festival should be all within the fortress fence
- Lack of protection for the countryside
- Lack of pre application consultation
- Lack of planning obligations
- Impact of fortress fence on the visual amenities of the area
- Light pollution
- Premises Licences does not cover the 'build and break' period and other matters such as the pollution of rivers.

The Officer Report said that having one overarching permission covering the activities on site was a clearer approach in managing the operations on the site. The long-established agricultural use of the land would continue, predominantly as a dairy farm. The remaining uses were a form of farm diversification and economic development which was supported under both local and national policy.

Planning permission from the Local Planning Authority was required for the festival use because its associated 'build and break' period extended beyond the 28 days permitted development allowance as set out in the General Permitted Development Order. The principle of development for the festival use had been accepted historically albeit on a temporary basis. It should also be noted that the site area being considered was greater than that previously permitted.

The Report also explained the relationship between the Premises Licence and the Planning Regime. It considered whether it was necessary for the planning permission to deal with matters already dealt with under the licenses. Legal advice had concluded that it was neither necessary nor appropriate for the planning authority to seek to redetermine matters which were

already controlled by the licence and it would be both proper and safe in this instance to leave matters relating to the licensing objectives to be dealt with by the statutory system which specialised in these specific protections, and which had already been operated to do so. Officers concurred with this view.

The Officer's Report continued by assessing in detail all aspects of the application and as a result had recommended the application for approval.

In opposition to the application, the Chair invited Nick Hall to speak. He made a number of points which he said encompassed the Parish Council's and other villagers' concerns. These included the following:

- The application was for 3 times the size of the existing temporary permission, changing the development area from 162 ha to 492 ha.
- The permanent permission being sought would weaken the Council's ability to regularly review the impact of the site on the surrounding communities.
- Visual amenity would be further reduced. The proposed planning conditions would allow the pyramid stage to be clad for up to 5 months and the fortress fence be in place for up to 4 months.
- The 'build and break' period would be extended from 4 months to year-round.

Mr Hall suggested Members refuse the application and encourage the applicant to reapply for a site area delineated and contained by the fortress fence. He would like the applicant to properly address all the concerns of the local community.

Parish Councillor Joe King was the next to speak on behalf of Pilton Parish Council. He said that when the planning application was made it caused considerable unease in village. Locals were concerned about the scale of change in the application which, if approved, would make the 'build and break' period year-round causing much disruption. He also said that the notification letters were not sent out to large areas of the village and prior to the application being made, there should have been a period of consultation with the local community. He did add that he had spoken with Mr Melvin Benn from GFEL who had assured him that would only be 1 festival and 1 Pilton Party on the site per year and that in future consultation would take place with local communities and they would be given 3 months' notice of any application

to vary or modify any application. He also confirmed that the concept of the fallow year would continue. Mr King concluded that this was very important to give maximum protection to the village.

Parish Councillor Martin Llewellyn representing East Pennard PC was the next to speak. He said the Parish Councils objection was based on the extent of the impact that the new larger area would have on the local villages. Camping at Worthy View which was outside the fortress fence had not been considered or even mentioned in the application. Worthy View provided a geographical view of the escarpment and it should be protected. He was disappointed that East Pennard had not even been mentioned in the planning application.

In support of the application, Melvin Benn spoke on behalf of GFEL. He said that it had been over 52 years since the Festival began and they cared deeply about people and the environment. It had been a safe and licenced festival for many years. He said that the application was not a continuation of previous planning permissions. There was no actual growth in size to the Festival and the fence was required to control the number of people entering. The premises licence provision allowed this control. He said that permanent planning permission was required and the application sought to legitimise the necessary activities on the site.

The Team Leader – Development Management added that the increase in numbers was controlled by Licence, not this planning application. Regarding the ‘build and break’ period, it would not last all year and the activities were controlled by condition and this would allow a few people to remain on site for maintenance purposes. She reassured Members that Condition 14 would restrict the operations to 1 festival and 1 Pilton Party per year.

Ward Councillor Nigel Hewitt-Cooper then spoke. He admitted that the Festival could be very divisive and that Pilton PC were narrowly against the application but West Pennard were in favour. The fallow years were very important to villagers and he wondered if there could be some flexibility built into the permission to say that 1 in every 4 years, for example, must be a fallow year. He noted that there were many more comments in support than against the application and pointed out that Worthy View was outside the site area, as were many smaller campsites which meant that nothing could be done about these under this application. Finally, he wondered if it

could be conditioned that the permission would end once the Festival ceased to operate.

In response, the Team Leader – Development Management said that a condition to control when the fallow year took place would not be possible as it would not meet the tests in the NPPF and due to the impact on GFEL it was not feasible. There was no need to add a condition to cease the permission once the Festival ended as the permission was for the Festival, so once it stopped, the use authorised by the permission would also cease.

In the discussion which followed Councillor Matt Martin stated that the application made total sense and so he proposed approval in accordance with the Officer's Recommendation. Councillor Adam Boyden seconded the proposal, saying that the Festival was a global famous success story which brought joy to many people. He was satisfied that the impact on local communities was managed as best it could be.

The Team Leader – Development Management said she was comfortable that the applicants addressed issues that arose each year and learned from previous years problems. They did as much as possible to protect local residents and was pleased to see so many supportive comments recognising the improvements that had been made to protect the nearby communities.

Other Members discussed the improvements that had been made over the years with the Member for Glastonbury commenting that he had not received one complaint for over 10 years. The traffic issues had been addressed and he was able to drive past the entrance to the Festival without any traffic hold ups over the weekend of the Festival. Another Member pointed out that safety would be improved as the 'build and break' would not have to be rushed, thus avoiding potential accidents. They recognised that it was impossible to control how the sound of the Festival carried as this was dependent on the atmospheric conditions at the time.

Councillor Tom Killen, however, said that he would like the mistrust between the GFEL and local communities to be removed and this would be best done by consultation between the new Somerset Councillors and the parishes. He therefore proposed a deferral. The proposal to defer was not seconded.

	<p>A vote was taken to approve the application in accordance with the Officer's recommendation. There were 11 votes in favour and 1 abstention.</p> <p>RESOLVED</p> <p>That the application be approved in accordance with the Officer's Recommendation.</p>	
8	<p>Urgent Business</p> <p>None.</p>	

The meeting finished at 20.35 pm.