

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, 2 May 2023 at 2.00 pm.

Present:

Cllr Nick Cottle (Chair)

Cllr Edric Hobbs (Vice-Chair)

Cllr Alex Wiltshire

Cllr Barry Clarke

Cllr Martin Dimery

Cllr Bente Height

Cllr Martin Lovell

Cllr Claire Sully

Cllr Theo Butt Philip

Cllr Dawn Denton

Cllr Susannah Hart

Cllr Helen Kay

Cllr Tony Robbins

In attendance:

Cllr Philip Ham

Cllr Ros Wyke

Cllr Heather Shearer

1 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Adam Boyden.

2 Minutes from the Previous Meeting - Agenda Item 2

The Chair advised that the Minutes of the previous Planning Meetings held in March 2023 would be approved by the AGM of the Full Council in May 2023.

3 Declarations of Interest - Agenda Item 3

Councillor Martin Lovell made a general declaration that he would no longer be sitting on the Shepton Mallet Town Council Planning Committee so there would not be any conflict of interest.

4 Public Question Time - Agenda Item 4

Mr Damon Hooton as a former Mendip District Councillor addressed the Committee to request that the late former Councillor Nigel Woollcombe-Adams be recognised in some way for his many years for service at Mendip District Council, particularly as a member of the Planning Board. He suggested that a building or street could be named after him in recognition of his work and service to the people of Mendip and the County of Somerset. The Chair said he would pass on his request to the appropriate department within the Council.

5 Schedule of Applications - Agenda Item 5

The schedule of applications was noted.

6 Planning Application 2020/0960/FUL - The Queens Arms, Wraxall - Agenda Item 6

Full application for the demolition of existing buildings and erection of 7no. dwelling houses with associated vehicular access and parking (revised scheme).

The Officer's Report stated that this application had been referred to the Planning Board as it was a departure from the Local Plan. The Recommendation was for approval.

Ditchheat Parish Council had recommended approval as the scheme would be an improvement to the local character but access onto the A37 should be improved.

Other consultees such as the Highways, Drainage and Environmental Protection Officer's had no objections, subject to various conditions. There had been 1 letter of objection, 1 of support and 2 neutral from local residents. Objections included that it would be wrong to demolish historic buildings, it represented overdevelopment and there were poor local facilities and infrastructure. Letters in support said that it would provide an improvement to the current street scene.

The Officer Report continued that as the Council could not demonstrate a 5-year housing land supply, the tilted balance as set out in Para 11(d) of the NPPF was engaged. The tilted balance said that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The delivery of 7 new homes was a recognised benefit and given significant weight. Economic benefits would also be delivered both through the construction period and

through the lifetime of the development. There would also be some environmental benefits through the biodiversity net gain.

In conclusion, the Officer's Report said that given the history of the site, the principle of development was considered acceptable in this case as the harms did not significantly and demonstrably outweigh the benefits to the scheme.

Also, following the submission of further information on the proposed package treatment works, the application was concluded to be nutrient neutral, which was accepted by SC Ecology and Natural England. Subject to the inclusion of conditions as recommended, the application was considered to be acceptable in all other regards including ecology and impact on bats, highway safety, drainage, design and layout, amenity, archaeology and contaminated land and was therefore recommended for approval subject to conditions.

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

The Committee was then addressed by the agent speaking on behalf of the applicant. His comments included:

- The principle of development for new residential dwellings had previously been accepted by the Council.
- The submitted Habitats Regulation Assessment had been accepted by the Council's Ecologist and Natural England.
- The Planning Case Officer had accepted the proposed layout, design and density of the development.
- The Planning Case Officer had confirmed that the proposal would not have any harmful impact on the character and appearance of the area or the amenity of future occupants and nearby properties.

In the discussion which followed, Members made comments regarding the materials from the demolished buildings. They were keen to ensure that the materials would not be wasted and should be re-used. The Planning Officer confirmed that a Waste Management Plan could be included in the conditions. A soft landscaping condition was also requested to be included in the conditions.

Another Member was concerned about the size of the gardens and commented that they were not large enough to enable occupants to grow their own food or for children to play. The Planning Officer responded that there was no policy on garden size and it was down to the discretion of the Local Planning Authority.

Other points made by Members included:

- Not keen on tandem parking. The Planning Officer advised there was nothing in the planning guidance to restrict its use in planning applications and in this case was considered acceptable.
- Could permitted development rights be removed to ensure the small gardens were retained and not built over. The Planning Officer advised that there were options to remove permitted development rights but they would have to meet the relevant tests and there would need to be a robust justification to do this.
- Could cycle route signage be included including warning signs for cycle crossing points. The Planning Officer advised that for a development of 7 dwellings it would not pass the test to include these.
- Could we ensure that the hardstanding materials used were permeable? The Planning Officer advised that there was a surface water drainage condition and a hard landscaping condition which could include consideration of a permeable surface treatment.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Tony Robbins that the application be approved in accordance with the Officer's Recommendation outlined in the Report, with the addition of planning conditions regarding soft landscaping and a site waste management plan. On being put to the vote the proposal was carried by 9 votes in favour, 1 vote against and 2 abstentions.

RESOLVED

That planning application 2020/0960/FUL be approved in accordance with the Officer's Recommendation subject to the addition of planning conditions regarding soft landscaping and the site-waste management plan.

That delegated authority be granted to Officers to agree the wording of the additional conditions regarding soft landscaping and the site-waste management plan.

7 Planning Application 2022/0053/OTS - Corner Cottage, Leigh on Mendip - Agenda Item 7

Outline Planning Permission with some matters reserved for the erection of 3 no. dwellings with details of access.

The Officer's Report stated that this application had been referred back to the

Planning Committee East following its deferral at the meeting of the Mendip Planning Board on 29 March 2023. The Recommendation remained for approval.

The reasons for deferral at the previous meeting were:

1. Highway safety issues. There was concern and some confusion about the speed limit on the section of highway adjacent to the application site, and whether the visibility splays could be achieved.
2. Impact of the development on the significance of the setting of the Grade 1 listed village church.

The Officer's Report stated that in response to Members concerns, the applicant had amended the visibility splays at the proposed access point.

In respect of the setting of the Grade I listed church the Officer concluded that there were existing developments between the application site and the heritage assets and it was not considered that their setting would be adversely harmed by the proposal. The Council's Conservation Officer had since reviewed the proposal and agreed with the Planning Case Officer's assessment and concluded that he had no objection to the principle of the erection of 3 no. dwellings on the application site and, as an outline application, the development would not result in any harm to the significance of the Grade I listed Church of St Giles. The usual considerations over design, scale and materials etc. would be key in determining the reserved matters and should likely reflect the traditional, rural village location in order to maintain this position.

The remainder of the Report replicated that provided at the previous Mendip Planning Board in March 2023 in which it stated that Leigh on Mendip Parish Council had objected to the application on principle, saying it was isolated and removed from the limited services in the village. Also, they had concerns with minerals safeguarding, access, highways safety and traffic generation given the proximity to the school.

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.

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.

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.

The assessment of the application had not identified any harm in terms of landscape and visual impact. The impact on heritage assets and highway safety concerns raised at the previous meeting had been addressed. 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.

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

The Committee was then addressed by the speaker representing Leigh on Mendip Parish Council. Her comments included:

- The development would restrict the clear view of the listed church. There would only be glimpsing views possible.
- The road remained dangerous for both pedestrians and road users, especially at school times.
- Concerned about the impact of quarry blasting.
- Leigh on Mendip is not a sustainable village.

The Committee was addressed by the Division Member for the application. His comments included:

- The reasons for deferral had not been fully addressed by the Officer's Report.
- The views of St Giles Church would be impacted and the visual gateway to the village would be harmed.
- Unsafe parking, particularly at school times due to the speed limit and bend in the road.
- The site falls within a mineral safeguarding area.

The Legal Advisor then advised Members that in January 2021 a similar application had been refused for 3 reasons, those being minerals, impact on protected species and surface water drainage. In the opinion of the Planning Officers, those objections had been overcome in the current application. On the issue of highways and heritage the technical consultees had not raised any objections and were content.

He advised that due to the lack of a 5-year housing supply, the 'tilted balance' was in force and that Members should grant planning permission unless they were satisfied that the harms of the development significantly and demonstrably outweighed the benefits.

During discussion, the following points were made by Members:

- The road did appear to be dangerous and the 30mph sign did not seem to make much difference.
- There could be complaints in the future by residents of the dwellings to the noise from the quarry.
- It would be sad to see the hedgerows removed to achieve the extra visibility splays. The Planning Officer advised this would be determined at reserved matters.
- Could the 30mph sign be moved and a traffic calming hump be conditioned? The Highways Officer responded that moving the sign would need to be part of a Traffic Regulation Order (TRO) submission which could not be conditioned as part of a planning application. Road humps would not work on roads where the speed limit was over 20mph and they would actually be dangerous.
- Members agreed to progress the request for a TRO as a Committee. They would also request that the 30mph sign be moved and a 20mph sign erected.

At the conclusion of the debate, it was proposed by Councillor Edric Hobbs and seconded by Councillor Alex Wiltshire that the application be approved in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried by 8 votes in favour and 5 votes against.

RESOLVED

That planning application 2022/0053/OTS be approved in accordance with the Officer's Recommendation.

To request the Highway Authority that a TRO be initiated to move the 30mph sign.

8 Planning Application 2019/1577/FUL - Land at Upper Wellesley Lane, Dulcote - Agenda Item 8

Full application for a proposed new dwelling, new access and associated development.

The Officer's Report stated that this application had been referred back to the Planning Board following its deferral at the meeting of the Planning Board on 22 April 2020. The Recommendation remained for refusal.

The Report continued that the reason for deferral had been because Members of the Planning Board had been unclear as to whether the applicant had a case for being a rural worker and thus demonstrating an essential need to live in the countryside. The deferral was to allow the applicant to come back with more information about the exact nature of the business and their reasons for having to live on site.

Since then, the applicant had provided a statement which said that a person would be required to live permanently on site for research purposes together with the day-to-day management of livestock, observing and caring for 30 to 40 cattle/sheep, rising to over 100 units of livestock in the future. However, the Officer's Report concluded that no clear evidence had been submitted regarding research methodology, with a specific explanation as to why a person might need to live permanently on site rather than merely carry out the research during normal working hours from the existing site which was only a 20 min journey away.

In conclusion, the Report said that, with respect to the additional information requested by the Mendip Planning Board, there remained no clear justification for the proposed development and the recommendation that the application be refused for the reasons set out in the original Case Officer's report remained valid.

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

The Committee was then addressed by 5 speakers in support of the application. Their comments included:

- The application would provide a unique resource nationally, in Somerset, close to many of the current QMMS (Quality Milk Management Services) collaborating farms and had the potential to be of significant value from a research and financial perspective to Somerset.
- There have been many delays in determining the application, namely Phosphates and Covid.
- The benefits of the application would outweigh any harm caused.
- The proposed site, whilst on the edge of a SSSI, had a history of habitation (a well, a septic tank, old footings, various outbuildings and structures) and was significantly degraded.
- Natural England had commented that they considered that securing beneficial management proposals through the application would have a net

positive effect on the SSSI and outweigh any loss of a small portion of the site which did not contain interest features. They were not opposed to the application subject to conditions and a S106 agreement.

- The site has been described as remote, but is adjacent to a national cycleway, within easy cycling and walking distance of Wells and within 300 metres of the substantial development of Wellesley Park.
- Although the land was an SSSI it had not been managed sympathetically and with conservation in mind.
- The development site was nationally important and had the potential to safeguard and preserve the SSSI to a very high standard in perpetuity.

The Committee was then addressed by the Division Member for the application. She said that she supported the application. Despite it being an SSSI, there were mitigating factors which led her to recommend that Members approve the application, contrary to the Officer's Recommendation. Although there were good reasons for refusal, she was conscious that the farming community had seen this company as being a significant employer looking not only at milk production but also how the land would be sustainably used.

Finally, the Committee was addressed by the applicant. His comments included:

- The development would be behind an existing hedge and no more intrusive than other nearby developments.
- There could be up to 350 livestock on the site which necessitated living on site for observation and assisting with births.
- He estimated 6000 miles of travel from home to this site last year. This time would be better spent stewarding the land.
- Natural England had said the proposed development site contained no special features and the proposal would have a net positive effect.

During the discussion which followed, Members made a number of points, including the following:

- We should not be building in the SSSI. The way the land is managed should not be used as a 'bargaining chip'.
- Would the bat roost be harmed or moved? The Team Leader – Development Management confirmed that it would remain unharmed.
- The proposed building would be visible in the landscape from the road.
- Policy DP13 is clear on new developments only being permitted where there was a functional need. If this was approved, there could be a legal challenge. The Legal Advisor said that if permission was granted the Council would have to demonstrate the rationale for doing so in light of the 3 strong refusal

reasons recommended by the Planning Officer.

Members sought clarification regarding the applicant's claim of essential need to live on site to support the business. The Legal Advisor explained that the judgement made by the Planning Officer based upon the evidence provided by the applicant was that no essential need had been proven.

The Team Leader – Development Management clarified for Members that the decision must be made in the context of Policy DP13 as to whether the benefits were desirable or essential.

At the conclusion of the debate, it was proposed by Councillor Helen Kay and seconded by Councillor Bente Height that the application be refused in accordance with the Officer's Recommendation outlined in the Report. On being put to the vote the proposal was carried by 7 votes in favour and 6 votes against.

RESOLVED

That planning application 2019/1577/FUL be refused in accordance Officer's Recommendation.

9 Planning Application 2022/1138/FUL - Myrtle Farm, Wookey Hole - Agenda Item 9

Full application for the erection of 1no. three-bedroom detached dwelling.

The Officer's Report stated that the application had been referred to the Planning Board as the proposal represented a departure to the development plan because the proposed dwellings were outside the development limits as defined in the Mendip District Local Plan Part 1.

St Cuthbert Out Parish Council had recommended approval and there had also been three letters of objection from local residents who had made the following points:

- Loss of views for existing properties in the area.
- Concerns in regard to overlooking of existing and the other new residential properties.
- Increased light pollution and concerns for the 'dark skies' of the AONB.
- The proposed alterations were not consistent with an accessible needs dwelling.

The Report continued that the application sought to amend a previously approved

permission. The proposed amendment included the dwelling becoming a two-storey property on one side and proposed materials and overall architectural style of the previously approved application would be maintained. The Officer's Recommendation was for approval.

The Committee was addressed by the Division Member for the application. Her comments included:

- Concerned about the impact of light spillage from the proposed roof lights.
- Suggested automatic blinds be conditioned to avoid light pollution in open countryside.
- There was no good reason to have roof lights.

In response to questions from Members, the Team Leader – Development Management advised that the Planning Officer had considered the amount of light spillage to be acceptable. The roof lights would serve en-suites which would not have a great deal of continuous use. The Officer had not deemed it necessary to impose a condition regarding automated blinds.

The Vice-Chair, Councillor Edric Hobbs, stated that this was not retrospective Planning Permission but a variation on a previously approved application. He proposed approval in accordance with the Officer's Recommendation outlined in the report. This was seconded by Councillor Bente Height. On being put to the vote the proposal was carried by 12 votes in favour and 1 abstention.

RESOLVED

That planning application 2022/1138/FUL was approved in accordance with the Officer's recommendation.

(The meeting ended at 4.30 pm)

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CHAIR