

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 5th April, 2023, 11.00 am

Councillors: Sue Craig (Chair), Sally Davis (Vice-Chair), Shelley Bromley, Paul Crossley, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Dr Eleanor Jackson, Hal MacFie and Brian Simmons

96 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

97 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence or substitutions.

98 DECLARATIONS OF INTEREST

In relation to item 1 under the main applications list, 22/00881/OUT - Parcel 9176, Langley's Lane, Paulton, Cllr Shaun Hughes stated that he owned an industrial unit on the existing development but had no interest in relation to the application.

Cllr Shaun Hughes declared that he had already stated his objection to the associated Mendip housing application relating to 21/02973/OUT Parcel 3589, Silver Street, Midsomer Norton (item 2 under the main applications list) and would not participate in the debate or vote, but he would address the Committee as adjacent ward member.

99 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

100 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

101 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Eleanor Jackson, seconded by Cllr Brian Simmons and:

RESOLVED that the minutes of the meeting held on Wednesday 8 March 2023 be confirmed as a correct record for signing by the Chair.

102 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR

DETERMINATION BY THE COMMITTEE

There were no site visit applications for consideration.

103 MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

A report by the Head of Planning on various planning applications under the main applications list and an update report in relation to items (1), (2) and (3).

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 22/00881/OUT - Parcel 9176, Langley's Lane, Paulton,

The Case Officer introduced the report which considered an outline planning application (with all matters reserved, except for access) for small scale industrial units with associated works and access from existing Old Mills development.

In relation to the highway mitigations and contribution from the developer, she clarified that:

1. A Local Development Order (LDO) put forward by the Council proposed modifications to the Thicketmead Roundabout and surrounding road network.
2. A contribution was being sought from the developer to support these works.
3. If the LDO did not come forward there would be sufficient capital from the contribution to undertake highway works to Thicketmead to mitigate the traffic impact of this development.

The Case Officer confirmed her recommendation that officers be delegated to permit the application subject to:

1. A Section 106 agreement being agreed to secure the necessary highway works and contributions and a contribution towards Targeted Training and Recruitment.
2. The conditions set out in the report.

The following public representations were received:

1. Chris Dance, agent, speaking in support of the application.

Cllr Liz Hardman, Ward Member was unable to attend, and a statement was read out on her behalf which raised the following points:

1. She objected to the application. She acknowledged that the land had been classified for business use but was disappointed with that decision as the land was greenfield.
2. She did not believe the highways measures would be sufficient to mitigate the extra traffic generated especially in the context of the Somer Valley Enterprise Zone (SVEZ).
3. Cycling to work was not deliverable due to poor cycle routes.

4. Some units in Phase 1 were still empty which demonstrated that phase 2 was not needed.

In response to Members' questions, it was confirmed:

1. In relation to the impact on residents of Springfield Buildings, this could be addressed by conditions at the reserved matters stage when there was more information available about the scale, layout and design of the site.
2. The impact of both the Somer Valley Enterprise Zone and this proposal had been considered in highways modelling and this proposal had also been considered separately in the event of the SVEZ not coming forward. The project team for the LDO had confirmed that the roundabout works would be delivered within a reasonable timeframe.
3. Highways modelling had considered data from 2019, 2021 and projected growth data for 2026. The national transport database was used to compare with similar sites in the UK.
4. The predicted number of traffic movements during the morning and evening peak hour would be 110. There would be improvements to the Thicketmead roundabout which would be more significant when the LDO came forward.
5. Previous applications on the site had been refused for highways and landscape reasons and the landscape reason had been rejected by the Inspector on appeal who considered there was sufficient space on site to mitigate. The appeal had been dismissed on highway grounds and these matters had been addressed in the current application by a package of transport measures which were considered to be acceptable.
6. There was no evidence to support the claim of objectors that the highway measures were insufficient.
7. As detailed in the update report, an additional condition had been recommended to restrict the use of the units as Class E g(iii), industrial processes which were not detrimental to residential amenity.
8. The adjacent site contained light industrial units and if some of the units were currently empty, this was outside the Council's control.
9. The Council was not able to control the frequency of buses servicing the site.
10. A cycleway had been proposed by the applicant and a further cycleway would come forward as part of the LDO.
11. The contribution to upgrade bus shelters would apply to the two bus stops nearest the site.
12. In terms of a pedestrian access, the existing pavement would be widened to 3 metres to be used as a shared footway and cycleway.
13. The Council's Heritage Team had not raised concerns about the proximity of the site to a historic monument but an archaeological watching brief condition could be included.
14. The Ecologist had assessed the issue of bats and there would be a condition to restrict lighting to respond to concerns.
15. The application had been assessed against the latest policies, and the climate emergency had been taken into consideration. A sustainable construction checklist would be required to be submitted at the reserved matters stage.

Cllr Duncan Hounsell moved the recommendation as set out in the report that officers be delegated to permit the application. This was seconded by Cllr Sally Davis who stated that the site was allocated and highway concerns over previous applications had now been addressed.

Cllr Shaun Hughes commented that Midsomer Norton was a growing industrial area and there was a demand for light industrial units, but it was important to consider this application in the context of the wider area and the SVEZ and balance this with the impact on the amenity on local residents, in particular residents of Springfield Buildings.

Cllr Paul Crossley spoke in support of the scheme, stating it was well thought out and had taken on board the highway objections raised in relation to the previous applications.

Cllr Hal MacFie raised concerns about the intensity of traffic and stressed the importance of a condition to restrict hours of operation.

Cllr Eleanor Jackson expressed reservations about mitigations being addressed at the reserved matters stage and stated that although she supported the application in principle, she wanted reassurances about restrictions to hours of operation and noise levels as well as requiring an archaeological watching brief.

The Team Manager (Development Management) recommended that, in view of concerns expressed by Members, the additional conditions be included at the outline stage.

The proposer and seconder of the motion agreed to include conditions to restrict the hours of operation; restrict noise levels and include an archaeological watching brief.

On being put to the vote the motion was CARRIED (10 in favour, 0 against UNANIMOUS)

RESOLVED that officers be delegated to permit the application subject to:

1. A Section 106 agreement being agreed to secure the necessary highway works and contributions and a contribution towards Targeted Training and Recruitment.
2. The conditions set out in the report.
3. Additional conditions relating to restricting noise levels, restricting hours of operation and an archaeological watching brief.

(2) 21/02973/OUT - Parcel 3589, Silver Street, Midsomer Norton

The Case Officer introduced the report which considered an outline planning permission for the formation of an access road, footpath and cycle links, open space, landscaping and associated works to serve a proposed housing development in the adjacent Mendip area.

She confirmed that:

1. The application had been previously considered and approved by the Planning Committee in August 2022.
2. Since that date there had been a judicial review in relation to the Mendip District Council Local Plan which found that there had been a flaw in the allocation process and as a result, the allocation of the site in question as housing had been removed from the Mendip Local Plan.
3. In light of this, the housing application had been reassessed by Mendip District Council and as Mendip did not have a 5-year supply of land for housing, a

decision had been taken to approve the application.

4. As a result of the judicial review and subsequent decision of Mendip District Council to approve the housing development application, the B&NES application had been reassessed.
5. The scheme was policy compliant with the exception of NE3a as no metric had been submitted in relation to biodiversity net gain. However as there was a condition to secure this, the scheme was considered acceptable and the application was being advertised as a departure from the development plan.

She confirmed the recommendation that officers be delegated to permit the application subject to:

1. A Section 106 agreement being agreed to secure a financial contribution towards improving local bus infrastructure; the Somer Valley Enterprise Zone Cycleway; Targeted Training and Recruitment; Green Space and Parks Infrastructure and a controlled pedestrian/cycle crossing on Silver Street.
2. The conditions set out in the report.

The following public representations were received:

1. Simon Steele-Perkins, applicant, speaking in support of the application.

Cllr Shaun Hughes declared an interest and withdrew from the Committee and made the following points as the adjacent local member:

1. He objected to the principle of the housing development on the adjacent site in Mendip.
2. He appreciated that Councils were under pressure to have a 5-year supply of land for housing but stated that this should not be at the detriment of local residents.
3. The judicial review had found that the allocation process was flawed, and it was important for residents that the process was rigorous and fair.
4. Services and infrastructure in Midsomer Norton were overstretched and the application on the adjacent site would add to the pressure.
5. Locally grown food was important in the context of the climate emergency and cost of living crisis, and this needed to be considered before building housing on agricultural land.

In response to Members' questions, it was confirmed:

1. The Council had not received an objection from Westfield Parish Council.
2. Mendip District Council had removed the site as an allocated site for housing within the Mendip Local Plan but had taken the decision that the housing application be approved as, due to the lack of a 5-year land supply, the necessity for homes in the area outweighed the harm. The B&NES application related to the access to the site and had been approved at a previous committee in August 2022.
3. The judicial review had found that the process and methodology of the allocation of sites by Mendip District Council was at fault.
4. The £10k towards bus infrastructure included a new pole and flag to Norton Hill School stop; a new shelter, bus markers and raised kerb to be moved to where the bus stop is currently situated at Norton Hill School stop and the installation of infrastructure for travel in both directions on Fossefield Road.

Cllr Eleanor Jackson stated that, overall, the benefits of the development outweighed the harm and if permission was not granted, the traffic would be displaced

elsewhere. She proposed the recommendation that officers be delegated to permit the application. This was seconded by Cllr Brian Simmons.

Cllr Paul Crossley supported the motion, stating that the development was vital to residents of the estate. He commended officers for securing the terms of the Section 106 Agreement.

Cllr Hal MacFie expressed concern about the pressure on services and infrastructure in Midsomer Norton and stated that he was minded not to support the motion.

On being put to the vote the motion was CARRIED (7 in favour, 2 against)

RESOLVED that officers be delegated to permit the application subject to:

1. A Section 106 agreement being agreed to secure to secure a financial contribution towards improving local bus infrastructure; the Somer Valley Enterprise Zone Cycleway; Targeted Training and Recruitment; Green Space and Parks Infrastructure and a controlled pedestrian/cycle crossing on Silver Street.
2. The conditions set out in the report.

(3) 22/04787/FUL - Parcel 2065, Meadgate East, Camerton, Bath,

The Case Officer introduced the report which considered an application for the construction of an agricultural access off Camerton Road, to include erection of a gate (partially retrospective).

She confirmed the officer recommendation that the application be permitted subject to the conditions set out in the report and an additional condition relating to drainage.

The following public representations were received:

1. Margaret Hutton, Parish Council, objecting to the application.
2. Rob Jones, applicant, speaking in support of the application.

Cllr Matt McCabe was in attendance for the item as Ward Member and raised the following comments:

1. The previous planning permission did not include permission to create a gap in the boundary wall and the conditions attached to the permission had been ignored.
2. The applicant had submitted photos of the visibility from the access, but these were taken on the boundary rather than demonstrating visibility from a vehicle.
3. The vegetation would be cut down to facilitate views and so biodiversity net gain would be lost.
4. Any development in the location should maintain or enhance the character and this application proposed a gap in the stone wall that had been a feature of the landscape for a long time.

He concluded that the proposal represented harm and urged the Committee to refuse the application.

In response to Member's questions, it was confirmed

1. The existing entrance was the main entrance to the farm. The additional access would be used to access agricultural buildings. It was not known how often the

- additional access would be used.
2. Visibility splays would be provided within the site.
 3. The applicants had advised that the hedge had been planted at the end of March. Officers had not checked on the planting, but it would be an enforcement issue if the condition had not been complied with.

Cllr Duncan Hounsell raised a concern about the general principle of an applicant benefitting from breaching a planning permission.

Cllr Shelley Bromley stated the proposal seemed a major intervention as the access may not be used regularly. She stated that she did not support the application.

Cllr Lucy Hodge agreed with this view and expressed concern about the impact on highway safety and also that reassurances associated with the previous application had not been complied with.

Cllr Eleanor Jackson proposed that the application be refused on the grounds that the loss of the historic stone wall would impact on the character and distinctiveness of the area. This was seconded by Cllr Lucy Hodge. In response to questions about whether it would be appropriate to include highway safety as an additional reason, the Team Manager (Development Management) advised that there had been no objection from highways officers and evidence would be required to defend this reason in the event of an appeal.

Cllr Hal MacFie stated that there were benefits to the proposal, the gate was set back to minimise impact and there was a solid base to avoid drainage issues. He stated he was minded to support the application.

Cllr Paul Crossley stated that the wall was not listed and that he also supported the officer recommendation to grant the application.

In response to comments raised about no exceptional circumstances being demonstrated to balance the harm in the Green Belt, the Legal Officer advised that the application had been assessed to be appropriate development in the Green Belt due to its agricultural nature, as outlined in paragraph 149(a) of the NPPF.

On being put to the vote the motion to refuse the application was NOT CARRIED (4 in favour 6 against).

Cllr Sally Davis stated that she considered the application would benefit traffic calming and proposed the officer recommendation that the application be permitted. This was seconded by Cllr Hal MacFie.

On being put to the vote the motion was CARRIED (6 in favour 3 against 1 abstention).

RESOLVED that the application be permitted subject to the conditions set out in the report and an additional condition relating to drainage.

(4) 23/00260/FUL - Heighgrove Barn, Scumbrum Lane, High Littleton

The Case Officer introduced the report which considered an application for the

construction of a car port in the green belt.

She updated the Committee to confirm:

1. The location was in High Littleton and not Farmborough.
2. A condition of the previous application for the original barn conversion stated that permitted development rights had been removed for outbuildings.

The Case Officer confirmed the officer recommendation that the application be refused for the reasons set out in the report.

The following public representations were received:

1. Pricilla Roberts, applicant, speaking in support of the application.

In response to Member's questions, it was confirmed

1. As permitted development rights had been removed by a condition attached to a previous consent, the applicant would need to submit an application to remove this condition if they wanted permitted development rights to be reinstated.
2. The volume of building on the site was already a third more than the original. Any development amounting to a further increase would have to demonstrate very special circumstances due to the Green Belt location.

Cllr Sally Davis opened the debate as ward member. She stated that she had originally considered the application to be appropriate, but due to the new information that permitted development rights had been removed it was difficult to support the application.

Cllr Eleanor Jackson concurred that it was not possible to support the application as permitted development rights had been removed and the built form already exceeded an increase of more than one third of the original building and there were no special circumstances demonstrated. She proposed the officer recommendation that the application be refused. This was seconded by Cllr Lucy Hodge.

Cllr Hal MacFie stated that it was important to be consistent in considering applications within the Green Belt and supported the proposal to refuse the application.

On being put to the vote the motion was CARRIED (7 in favour 1 against 2 abstentions)

RESOLVED that the application be refused for the reasons set out in the report.

104 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

The Committee considered the appeals report.

Cllr Lucy Hodge referred to appeal that was upheld in relation to the installation of solar PV panels and ground source heat pump pipe work at Watery Lane, Burnett and the weight given to renewable energy by the Inspector.

RESOLVED that the report be noted.

The meeting ended at 3.10 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services