

## MENDIP DISTRICT COUNCIL

Minutes of the Planning Board held on Wednesday, 10 June 2020 via Live Stream starting at 10.00 am.

### PRESENT:

Councillors Damon Hooton (Chair), Nigel Hewitt-Cooper (Deputy Chair) Eve Berry, Peter Goater, Francis Hayden, Edric Hobbs, Helen Kay, Lindsay MacDougall, Matthew Martin, Mike Pullin, Heather Shearer, and Ros Wyke

### SUBSTITUTE MEMBERS:

Councillor Laura Waters substituted for the vacancy on the Planning Board

### OTHERS PRESENT:

Councillors John Clarke, Shane Collins, Michael Dunk, Garfield Kennedy, Tom Killen, Richard Pinnock, Alan Townsend

### OFFICERS PRESENT:

Helen Bowen	Committee Officer
David Clark	Monitoring Officer
Claire Dicken	Committee Officer
Martin Evans	Legal Advisor
Julie Reader-Sullivan	Group Manager, Planning & Growth Services
Ben Sugg	Committee Officer
Rachel Tadman	Senior Team Leader – Development Management
Simon Trafford	Team Leader – Development Management

Agenda Item Number	Subject	Actioned By
1	<p><b>Chair's Announcements</b></p> <p>The Chair welcomed everyone to the meeting and gave an overview of how this meeting would proceed.</p> <p>The Committee Officer confirmed that the meeting was being streamed live and accessible to the general public via a link on the Council's website.</p> <p>At this point the Chair undertook a roll call to confirm that Members could hear and see him and were attending the meeting by remote means.</p> <p>He reminded Members that if at any point during the item they lost connectivity and had not heard the debate or seen all of the presentation then they should state 'absent' when asked for their vote. He further reminded</p>	

	Members that the Committee needed to ensure that the meeting was quorate for each item – which was a minimum of 8 Members.	
<b>2</b>	<p><b>Apologies for Absence</b></p> <p>Apologies had been received from Councillors Nick Cottle and Steve Henderson. There were no substitutes nominated for these Members.</p>	
<b>3</b>	<p><b>Declarations of Interest</b></p> <p>With regard to DM01, 2019/1671/OTS, land North and South of Sandys Hill Lane, Frome the Chair noted that one of the applicants was a fellow Member of the Council. As such all Members had a personal but non-prejudicial interest in the item.</p> <p>Councillor Damon Hooton declared a personal and prejudicial interest in DM01 because he worked for the neighbouring landowner. He would leave the meeting for the consideration of the item.</p>	<b>Claire Dicken</b>
<b>4</b>	<p><b>Public Participation</b></p> <p><b>Items not on the agenda</b></p> <p>None.</p> <p><b>Items on the agenda</b></p> <p>None.</p>	
<b>5</b>	<p><b>Resolution to Agree All Recommendations made on Development Management Applications Not Raised for Discussion</b></p> <p>DM02, 2019/2134/FUL Folly Orchard, Wraxall Road to Folly Cottages, Ditcheat, BA4 6QX – approved with conditions</p> <p>DM04, 2020/0169/OTS Manor Farm, Chapel Street, Upton Noble, BA4 6BA – approved with conditions</p> <p>DM05, 2020/0282/HSE, 11 Nalder Close, Shepton Mallet, BA4 4HG – approved with conditions</p>	<p><b>Carlton Langford</b></p> <p><b>Carlton Langford</b></p> <p><b>Josh Cawsey</b></p>

6	<b>Development Management - Planning Applications</b>	
DM01	<p data-bbox="363 271 1179 338"><b>2019/1671/OTS Land North And South Of, Sandys Hill Lane, Frome, Somerset</b></p> <p data-bbox="363 378 1179 595">The Chair had declared a personal and prejudicial interest in this item because his employer was the neighbouring landowner. He left the meeting for the consideration of the item. The Deputy Chair invited the Team Leader – Development Management to present the Officer Report</p> <p data-bbox="363 636 1179 1072">The Officer's Report stated that this was an outline planning application in which all matters were reserved apart from access and the main distributor road. It comprised a mixed use development, including access off Sandys Hill Lane; the demolition of existing farm buildings/farmhouse; development incorporating up to 235 dwellings; employment floor space within Use Classes B1 (a/b/c) of up to 4,050sqm (unit sizes ranging from 140sqm to 560sqm), a Drive Thru unit of up to 170sqm (Use Class A3/A5), a food retail building of approximately 1,800sqm and a non-food retail unit of approximately 1,400sqm.</p> <p data-bbox="363 1113 1179 1330">The Report stated that the application had been referred to the Planning Board as the proposed development would be a departure from the existing adopted Development Plan; furthermore, the application needed to be determined by the board for probity reasons as a District Councillor was one of the joint applicants.</p> <p data-bbox="363 1370 1179 1624">The Report noted that the proposed number of dwellings and employment floor space when the application was first submitted differed from the current proposal. It explained that during the assessment of the scheme, the applicant had amended the scope of the application as detailed in the Report and as confirmed by the applicant's agent on 3<sup>rd</sup> March 2020.</p> <p data-bbox="363 1664 1179 1805">The Report also noted that the site had been put forward as a mixed use housing allocation/employment allocation for a minimum of 200 dwellings and approx 4.5 hectares of employment land in the emerging Local Plan Part II.</p> <p data-bbox="363 1845 1179 2022">The Report stated that the Ward Member for Selwood had no objections, the Ward Member for Park Ward Frome objected, and the Ward Member for Keyford Ward Frome had requested that the application be referred to Planning Board.</p>	Simon Trafford

Frome Town Council had no objection although it had raised some concerns. Selwood Parish Council recommended refusal.

In terms of local representation, there had been 24 letters of objection, 1 letter of support and 2 letters expressing neutral comments. Objections were also received from The Frome & District Civic Society and the Frome Chamber of Commerce.

In summary, the Report noted the concerns expressed locally about the proposed retail floor space and the impact that it would have locally, the timing of the delivery of the employment land, the amount of new housing proposed. It also noted the suggestion that the application was premature as the emerging development plan had not yet been adopted. Nevertheless, it was considered by Officers that the range of land uses proposed were in accordance with the emerging development plan. Furthermore, it was considered reasonable to apportion significant weight to the emerging policy in favour of supporting the application as a departure from the adopted development plan in terms of the range of land uses proposed. Finally, in terms of the land-uses proposed, the application scheme was considered to accord with the policies in the Frome Neighbourhood Plan.

For these reasons, the Officer Report recommended that then Committee grant delegated authority to Officers to permit the application subject to completion of a Section 106 Agreement and following the completion of advertising the application scheme as a departure from the development plan and no new issues having been raised by comments received.

The Team Leader - Development Management pointed out information set out in the Updating sheets. Other Members not on the Planning Board requested that they be emailed a copy of the Updating.

In opposition to the application, Tom Brill was invited to speak. He said he strongly objected to the application because of the risk of flooding. The area around his property already suffered from severe flooding and the watercourses through the site exacerbate the problem. He also said that the infrastructure of the town could not sustain the development and that there were no nearby

services such as doctor's surgeries and schools which would have to be accessed by car.

In support of the application, Sarah Maylor was invited to speak on behalf of the applicants. She explained that she was the Deputy MD of Curo Enterprise, a housing association based in Bath. They build attractive quality homes and they had a social objective. She said they reinvested any profits into improvement and provision of social housing. She said the company had worked with the District Council to come up with an acceptable scheme. She said that the applicants had agreed to make contributions to highway and education and provide affordable housing on the site. They were expecting to build about 50 homes on the site per year, thus contributing to the Council's requirement for new homes in the District.

In response to queries the Team Leader - Development Management explained the weight that could be applied to the adopted Local Plan Part I and the emerging Local Plan Part II. With regard to surface water management, the Report explained that the Local Lead Flood Authority had recommended conditions which would be attached to any permission.

Councillor Shane Collins was invited to speak as one of the Frome Councillors. He said that it was important that the development was of a high quality to set an example for any further applications that would follow. He was concerned that the existing roads in Frome would become congested if all the available land were developed. He was further concerned that any development should include sustainability measures including heat pumps, solar panel and that the houses were laid out to be south facing. He was pleased to see gardens included in the plans.

Councillor Richard Pinnock was invited to speak as one of the Frome Councillors. He said he was concerned about road safety and congestion, particularly at the Gore Hedge junction and The Butts. He said traffic from the site would make the safety of the road even worse. He stated that an allocated crossing point should be made a zebra crossing and that contributions from the applicant should be utilised to improve the road safety in the area.

Councillor Helen Kay was invited to speak. She noted that the site had been designated for development. However, she was concerned about transport issues.

She recommended that development of the available land and the layout of the road network should be considered as one. She showed photographs of the traffic jams past McDonalds which the plans had identified as being the only route into the development. She was of the firm view that there needed to be alternative accesses to the site and had identified two other potential access points via existing cul-de-sacs. She was also very concerned with drainage and the size of the buffer zone allocated to the listed buildings adjacent to the site.

Councillor Shannon Brooke had arranged for her comments to be read aloud by the Chair. She was concerned about congestion and the impact on road safety and the increase in pollution. She noted that when all the available land was developed there would be an accumulation of congestion. She agreed that the layout of the road network should be re-addressed.

Councillor Michael Dunk was invited to speak. He said that there should not be any building on farming land when there were brownfield sites available. He was concerned about the impact the development would have on traffic and that Frome was already very busy. He was further concerned about the impact on conservation, he did not feel that the old farmhouse should be demolished to make way for the development which would be harmful to the local character of the area. However, he did appreciate that the development was being built by Curo, a housing association, but would have liked to have seen even more affordable housing in the development and that it did not include enough social housing. He queried whether the Officer Report had been in the public domain for long enough.

The Deputy Chair thanked the Frome Members for their contribution. He confirmed that the agenda and reports had been available on the Council's website.

The Team Leader - Development Management was invited to address some of the issues which had been raised by Frome Members. He said that the amount of proposed affordable housing was acceptable in terms of recommendation from the Housing Team and Council Policy which was a material consideration for Members. He advised that the development would achieve 30% affordable housing, a total of 70 dwellings, 80% of which would be for social rent.

He also advised that the recommended Condition 2 in the Officer Report would require the applicant to submit a renewable energy strategy.

With regards to the layout of the highways, the Team Leader – Development Management noted that the Somerset Country Council Highways Authority had stated that the access was acceptable and that this should be a primary consideration for Members.

A number of concerns were raised about how the surface water would be managed, the road layout (particularly in The Butts) and the access, which some felt was inadequate. A number of Members were particularly concerned about the single access especially where it passed McDonalds.

The Development Management Team Leader repeated the points he had made since the Frome Members had spoken at the request of Councillor Lindsay MacDougall who had lost connection to the virtual meeting for a couple of minutes.

Some Members said they would have preferred to have had more social housing included in the scheme. The Team Leader – Development Management again reiterated that the scheme was policy compliant for affordable housing and 80% of the 70 affordable dwellings would be for social rent.

The loss of the original farmhouse was expressed as regrettable by some Members. It was queried, in the interests of conservation and heritage, whether the farmhouse could be incorporated into the development to avoid its demolition. A number of Members felt that the existing listed buildings next to the development site should be afforded more protection by means of a wider buffer zone.

Members recognised that the application was for outline permission only at this stage and that there may be another opportunity to negotiate better access and road layouts, as well as the design of the housing at the next stage.

Members commented that the development was on the edge of Frome and that it should be connected with the town centre by way of walking and cycling.

In response to queries, the Development Management Team Leader pointed out recommended Condition 17 regarding surface water drainage and said the Council would re-consult with the Environment Agency when the strategy was made.

The Deputy Chair thanked the Planning Board for its consideration of the application. He summarised the discussion and noted that the application was for outline permission only. He said the developer might be able to include some of the suggestions i raised by Members at the reserved matters stage.

Some Members remained concerned about the risk of flooding, the impact of the development on wildlife, access and the preservation of employment land. It was suggested by s number of Members that the application be deferred for these issues to be given further consideration.

The Team Leader - Development Management said that the relevant consultees had made their observations on the application which was for outline planning permission, but with access to be determined at this stage. It was confirmed that as the Highway Authority had not raised any objections to the proposal, if members were not supportive of the single point of access as proposed then a refusal of planning permission should be considered.

Councillor Francis Hayden proposed that the application be refused contrary to the Officer's Recommendation on the grounds that a single access point to the development was inadequate. Councillor Helen Kay seconded the proposal to refuse the application.

The Legal Advisor advised that if the application was refused on the basis of access, the Council may be found to have acted unreasonably because the Highways Authority, as the relevant statutory consultee, had not objected to the application.

At this point, Councillor Francis Hayden withdrew his proposal to refuse the application and Councillor Helen Kay concurred

Councillor Helen Kay then proposed that the application be deferred for up to 6 months to allow more consideration to be given to the following points:

- Access
- The reuse of Keyford Farmhouse
- Collaborative work on a transport plan
- A wider green buffer zone on Little Keyford Lane
- Drainage management
- The inclusion of cycle links in the Section 106 Legal Agreement.

Councillor Francis Hayden then seconded the proposal.

Councillor Laura Waters queried that she had not received a response to her question regarding a whole town approach to transport infrastructure. The Team Leader - Development Management replied to say Somerset County Council have considered it all and that the applicants would make a substantial contribution to improvements to the Gorehedge junction. The Officer Report set out how that contribution would be used in conjunction with others from other planning applications.

After further debate Councillor Helen Kay and Councillor Francis Hayden amended their proposal to defer on the 6 reasons previously stated. They then proposed to defer for up to 6 months for the following 3 reasons:

- 1) To look at alternative/better access arrangements for the site itself including the possibility of an additional access
- 2) To look at the re-use of Keyford Farmhouse (and associated buildings) rather than knocking it down
- 3) To include a wider green buffer zone between existing houses on Little Keyford Lane and the new proposed housing, in order to protect the setting and tranquillity of the listed buildings, and the amenity of existing residents (area north of Sandy's Hill Lane only)

The proposal to defer the application was carried by 6 votes to 5 votes. Councillor Ros Wyke abstained from the vote.

### **RESOLVED**

That the application be deferred for up to 6 months for further consideration to be given to:

1. Provision of an additional access to serve the site
2. Re-use of the farmhouse at Keyford House

	<p>3. Provision of a wider buffer zone on southern boundary to protect listed buildings.</p>	
DM03	<p><b>2018/3111/FUL Bonneyleigh View Gypsy Lane Frome Somerset BA11 2NA</b></p> <p>The Chair re-joined the meeting at this point.</p> <p>The Officer's Report stated that this application had been referred to Planning Board as the development represented a departure from Local Plan Part I(residential development outside development limits). The site comprised a single large detached bungalow tied to industrial premises to the east comprising 3 relatively large industrial units. All premises benefited from a shared access onto Gypsy Lane. To the north of the site was Frome Rugby Club with car park and to the south Gypsy Lane and largely residential estates marking the northern boundary of Frome. The site was situated outside development limits but the industrial land was considered to be previously developed land.</p> <p>This application sought full planning permission for the demolition of the existing bungalow and industrial buildings and for the erection of 6 no dwellings, 3 x 3 bed and 3 x 4 bed units and a B1(a) office block of 310sqm over 2 floors. The application also included a new private road and improved access.</p> <p>The dwellings comprised 3 detached houses and a terrace of 3 units, all over 2 floors with rooms in the roofs of a simple construction of painted rendered walls with blue brick plinth under dark grey slate roofs. Landscaping was to be kept to a minimum retaining existing vegetation where possible and new planting was proposed to help integrate the scheme. The proposal also included new 2m high acoustic masonry boundary wall on the north and east boundaries and an element of ecological gain was proposed by way of the inclusion of bat roots, bird boxes and bee bricks all built into the dwellings.</p> <p>There had been 6 local representations, 1 letter of support and 5 letters of objection. The issues of objection summarised were as follows: overlooking; highway safety; pedestrian safety; no proposed speed controls on the highway; parking issues along Gypsy Lane from overspill from Rugby Club and existing residents; no parking restrictions proposed along Gypsy Lane (double yellow lines); concerns from the Rugby Club that existing</p>	Carlton Langford

late night events could be prejudiced by reason of the close proximity of the dwelling to the Club.

The Officer's Report noted that, since the proposals had been first submitted, initially as two separate applications, the details had been revised in order to redress technical concerns that were originally raised.

The Report concluded that notwithstanding the application site falling outside development limits, it represented sustainable development with clear benefits of contributing towards Council's housing supply and local community benefits through the provision of a pedestrian footpath. Furthermore, having regard for all other planning controls of design, amenity and highway safety there were no technical objections to the scheme and it was therefore recommended for approval, subject to the conditions detailed in the report. The Team Leader - Development Management recognised that the application was a departure from the development, plan but that the benefits were deemed to outweigh any harm.

Andrew Tibble had arranged for his comments to be read aloud by the Chair. He commented on behalf of the applicant. He said that the applicant had worked with the Council to come up with an acceptable scheme. He said the existing buildings on the site were in various states of disrepair and no longer suitable to upgrade. They had addressed all of the issues raised by consultees including environmental concerns and potential noise problems. He said the development would provide much needed dwellings and office space.

Chris Hall, president of Frome Rugby Club, had arranged for his comments to be read aloud by the Chair. The Rugby Club were in opposition to the application. He said that the Clubhouse was a very important community asset which was used by many clubs and societies. There were many social functions held at the Club which utilised amplified music and went on until 1 am as per the terms of their licence. These functions provided essential income to the Rugby Club. They were very fearful that the siting of a residential development so close to the Clubhouse and car park would give rise to inevitable complaints about noise. He did not think that the 2m high wall proposed to protect the residential dwellings from potential noise disturbance would be adequate

He asked that consideration be given to requiring the developer to enter into a Section 106 Legal Agreement

and bond to make acoustic improvements to the Club if it became necessary.

Parish Councillor Andrew Knight had arranged for the comments of the Berkley Parish Council to be read aloud. The Parish Council were concerned about the proximity of the proposed new homes to the Frome Rugby Clubhouse and the financial impact the development would have on the club. They therefore recommended refusal of the application and stated that any new application made should include a change of layout of the dwellings or just be for commercial use.

Councillor Shannon Brooke, Ward Councillor had also arranged for her comments to be read aloud by the Chair. She agreed with the comments of the Frome Rugby Club and the Berkley Parish Council.

In the discussion that followed Members, noted the comments of the Berkley Parish Council. Some Members agreed that it would be sensible for the site to be reconfigured so the boundary of the development with the Frome Rugby Club be used for the commercial element of the development.

A number of Members also favoured the implementation of a Section 106 Legal Agreement to ensure the interests of the Club. Members also discussed whether the application should be deferred to allow the applicant to reconfigure the site.

The Senior Team Leader - Development Management pointed out that the site could not be reconfigured without significant amendments to the proposed layout and that a new application for planning permission would be required. She further said the boundary of the development with the clubhouse was 60 metres which was a substantial distance. The Environmental Protection Team had requested amendments to erect a 2m acoustic fence and re-orientate the nearest dwellings at first floor level, which the applicant had achieved. In light of this there were no objections to the development by the Environmental Protection Team. She also explained that Officers could not recommend a Section 106 Legal Agreement to achieve noise mitigation to the Rugby Club as they would not be in accordance with the very strict requirements of the Community Infrastructure Levy (CIL) Regulations. Members were advised that deferring the application to achieve a S106 Agreement or amend the layout was not appropriate for

these reasons and Members should either approve or refuse the application.

The Legal Advisor added that according to Regulation 122 of the CIL Regulation, a Section 106 Legal Agreement was only justified if it was necessary to make the development acceptable. Environmental Protection had advised that it was already deemed acceptable for noise and disturbance.

There was serious concern amongst Members about the impact the development would have on the Rugby Club. Members noted the Club was a major asset to the residents of Frome. There was a discussion about the design of the proposed houses. Some Members felt they looked quite 'boxy; with very small windows.

Councillor Edric Hobbs proposed that the application be refused contrary to the Officer's Recommendation because the layout of the development would have a harmful impact on the street scene and the existing Frome Rugby Clubhouse and also due to the design of the proposed dwellings. This was seconded by Councillor Mike Pullin.

Members then queried the amount of parking available. Members felt it was inadequate compared to the County Council requirements.

There was also concern over light spill from the roof windows. In response to queries members noted that the Rugby Club had flood lights.

The Team Leader - Development Control advised it would be possible to add an informative to install internal blinds. It could also be possible to impose a requirement for the use of smart glass but that there would need to be extenuating circumstances to insist on this.

The Senior Team Leader – Development Management e further pointed out that the Board should not favour the business interests of one party over those of the other party involved. Frome Rugby Club was very worthwhile but Members should be careful how much weight they give to the potential impact on their business compared with benefits of this proposal and housing scheme.

The Legal Advisor pointed out that the Environmental Protection Team had not objected to the application. Therefore, if Members were minded to refuse the

	<p>application on the grounds of noise and disturbance to the Club, then they would be at risk of losing at appeal. With regards to the suggestion to defer the application, the applicant could make an appeal for non-determination, which the Council would also be at risk of losing.</p> <p>He went on to advise that with regard to a Bond which would be secured through at Section 106 Legal Agreement, the Committee would have to demonstrate why there was a need for the same, establish how much the Bond would be for, in what circumstances it would be triggered and what exactly it would be used for.</p> <p>Councillor Heather Shearer proposed that the application be approved as recommended and Councillor Laura Waters seconded the proposal to approve the application.</p> <p>However, the Chair pointed out that there was already a proposal for refusal on the table and the new proposal was a direct negative.</p> <p>The Chair asked the Board to vote on the proposal to refuse the application. The proposal was carried by 7 votes to 4 votes. Because of IT issues Councillor Lyndsay MacDougall had been absent.</p> <p><b>RESOLVED</b></p> <p>That the application be refused contrary to the Officer's Recommendation because the layout of the development and design of the proposed dwellings would have a harmful impact on the street scene and the existing Frome Rugby Clubhouse in terms of noise and disturbance to the occupiers of the proposed dwellings.</p>	
7	<p><b>Urgent Business</b></p> <p>None.</p>	

The meeting finished at approximately 13.15 pm