

MENDIP DISTRICT COUNCIL

Minutes of the Planning Board held on Wednesday, 26 August 2020 via Live Stream starting at 6.10 pm.

PRESENT:

Councillors Damon Hooton (Chair),

Councillors Eve Berry, Nick Cottle, Peter Goater, Francis Hayden, Edric Hobbs, Helen Kay, Lindsay MacDougall, Matt Martin, Heather Shearer, Laura Waters, Nigel Woolcombe-Adams and Ros Wyke

SUBSTITUTE MEMBERS:

Councillor Tom Killen substituted for Councillor Alan Townsend

OTHERS COUNCILLORS PRESENT:

Councillors Mike Pullin

OFFICERS PRESENT:

Jennifer Alvis	Planner
Claire Dicken	Democratic Services Officer
Carlton Langford	Planner
Roy Pinney	Legal Advisor
Kelly Pritchard	Planner
Julie Reader-Sullivan	Group Manager, Planning & Growth Services
Ben Sugg	Democratic Services Officer
Rachel Tadman Management	Senior Team Leader – Development
James U'Dell	Senior Planning Officer

Agenda Item Number	Subject	Actioned By
1	<p>Chair's Announcements</p> <p>The Chair welcomed everyone to the meeting and gave an overview of how the virtual meeting would proceed.</p> <p>The Democratic Services 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</p>	

	<p>'absent' when asked for their vote.</p> <p>The Chair said there had been connectivity issues with this particular meeting including that Councillor Nigel Hewitt-Cooper, Deputy Chair who had not been able to connect.</p> <p>The Legal Advisor said that the Chair would need to ask for nominations for a Deputy Chair for the meeting.</p> <p>Councillor Ros Wyke was duly nominated as Deputy Chair for the meeting. There were no other nominations.</p> <p>RESOLVED</p> <p>That Councillor Ros Wyke be the Deputy Chair for the meeting.</p> <p>The Chair went on to announce that the Council was making arrangements for two additional public meetings of the Planning Board to deal with a possible backlog of applications caused by restrictions during lockdown.</p> <p>The Chair further went on to make a formal apology that it had been possible to hear someone swear at the previous meeting of the Board. Such language was unacceptable at public meetings.</p>	
2	<p>Apologies for Absence</p> <p>Apologies for absence had been received from Councillor Alan Townsend</p> <p>Councillor Nigel Hewitt-Cooper (Deputy Chair) had not been able to connect to the meeting.</p>	
3	<p>Declarations of Interest</p> <p>The Chair pointed out that the applicant of DM07 was a fellow Councillor and that all Members should record a personal interest in that item. He also advised that individual Members should consider whether they had a prejudicial interest in the item because of their relationship with the Councillor. There were none.</p> <p>Councillor Francis Hayden declared a personal and</p>	<p>Claire Dicken</p>

	<p>prejudicial interest in DM02, Land of Anchor Road, Coleford because he was friends with neighbouring residents. Councillor Hayden said he would not take part in the debate for vote during the consideration of the item.</p>	
4	<p>Public Participation</p> <p>Items not on the agenda</p> <p>None.</p> <p>Items on the agenda</p> <p>None.</p>	
5	<p>Previous Minutes</p> <p>The Minutes of the meeting held on 10 June 2020 were approved subject to the following change.</p> <p>That on page 6, paragraph 1 a change the ending so it reads ".....via existing cul-de-sacs from the Marston industrial estate. She was also very concerned about drainage and the increased risk of flooding from the development, and the need to pump sewage uphill. However she was grateful that the applicant had protected Little Keyford Lane and Sandy Hills Lane which had high amenity value to the residents of south Frome, especially during lockdown.</p> <p>The minutes of the meeting held on 22 July 2020 had been withdrawn from the agenda to give further consideration to suggested amendments.</p>	Claire Dicken
6	<p>Resolution to Agree All Recommendations made on Development Management Applications Not Raised for Discussion</p> <p>Proposed by Councillor Heather Shearer and seconded by Councillor Helen Kay. This proposal was carried unanimously.</p> <p>DM01 2020/0689/FUL Myrtle Farm, Milton Lane, Wookey Hole</p> <p>DM07 2020/1286/HSE Middle Farm House, Peace</p>	Anna Clark

	<p>Close Lane, West Horrington – approved with conditions as recommended.</p> <p>RESOLVED</p> <p>It was resolved to agree all recommendations made on Development Management applications not raised for discussion.</p>	Josh Cawsey
7	Development Management - Planning Applications	
DM02	<p>2019/2345/OTS Land off Anchor Road, Lipyeate Cross to Luckington Cross, Coleford</p> <p>Councillor Francis Hayden had declared a personal and prejudicial interest in the item because he was friends with neighbouring residents. He said he would not take part in the debate or vote on the application.</p> <p>The Legal Advisor read aloud a statement. He said the application before Members was a major application for residential development that was neither allocated in the Part 1 Local Plan nor located within the development limits for Coleford and it was not a site that was proposed to be allocated in the Part 2 Local Plan.</p> <p>Since December 2019 the Council had been unable to demonstrate a 5 year housing supply and this was the first application of this type and scale that had come before the Board since then.</p> <p>In light of this, he reminded Members of the training and information sessions that had been held in December 2019 where the implications of the lack of 5 year housing supply on applications for residential development had been explained and discussed.</p> <p>This application for planning permission was recommended for approval, Members however may come to a different view. If Members considered that this application should be refused then the Legal Advisor highlighted that, due to our lack of 5 year housing supply, the application had to be considered under paragraph 11d of the NPPF namely:</p> <p>That there was a presumption in favour of sustainable development and that planning permission should be granted unless the harm of doing so would significantly and demonstrably outweigh the benefits.</p>	James U'Dell

Therefore, if Members were of the view, or as a Planning Board were minded to refuse planning permission then they would need to provide evidence of harm that was of such weight that it would outweigh the benefits identified.

The Officer's Report stated that this application was for Outline Planning Permission with some matters reserved for the erection of up to 63 dwellings.

Indicative layout details of the new development area had been provided in the design and access statement. However, as the layout, scale appearance and landscaping of the development were reserved matters and were not under consideration at this time.

The Ward Councillors objected to the application on the grounds that Coleford had exceeded its housing allocation and the scheme would result in a disproportionate rate of growth.

Coleford Parish Council also objected to the application, arguing that the location was unsustainable and that there were concerns about highway safety.

The Highways Authority had not objected to the application subject to the attachment of relevant conditions and the securing of travel plan measures via a Section 106 Legal Agreement. They indicated that the travel plan measures proposed were deemed acceptable.

The Council had received 309 letters of objection to the application and an online petition which included 452 signatures. Grounds for objection included the location of the site outside development limits and the adverse impact the development would have on the village infrastructure including concerns about road safety.

The Officer's Report concluded that, given that no technical objections had been raised and no significant harm had been identified in terms of delivering the quantum of development as proposed, either actual or in policy terms, the benefits of the development substantially and demonstrably outweighed the very limited harm identified.

It was therefore recommended that Outline Planning Permission should be granted, as a departure from the

development plan, subject to a Section 106 Legal Agreement.

Dawn Wines was invited to speak. She was opposed to the application because of the loss of the green fields and particularly the hedgerow which was an important habitat and corridor for wildlife. As such, she said the application was opposed to the NPPF where it talked about protection of wildlife habitats. She was further concerned about drainage especially given the impact of climate change and extreme weather.

Mark Reynolds was invited to speak on behalf of the Coleford Parish Council. He said that the housing shortfall across the district had not been a long standing issue and that it would be resolved by the Part 2 Local Plan. He said the Parish Council were opposed to the application because the development of the site was unsustainable. They were opposed to the loss of the greenfield site and the harmful impact the development would have on wildlife. They were further concerned about highway safety.

With regard to the housing shortfall across the district, the Legal Advisor was asked to clarify the effect of the judgement of Mr Justice Holgate in the case of Gladman Developments Ltd v SSHLG and Corby BC and Uttlesford DC [2020] in which two local planning authorities had each been unable to demonstrate a 5 year housing supply and where it had been judged that the councils in question could still rely on other policies within their local plans, but that any refusal of planning permission would need to be based on a finding that the benefits of the development were substantially and demonstrably outweighed by the harm which would arise from the development.

Chris Lee was invited to speak in support of the application. He set out the obligation by the Council with regard to the 5 year housing supply. He said the site was sustainable because it was a large site which could accommodate the proposed development and Coleford was a large village with good amenities. He noted that no other statutory consultee had objected to the application. He pointed out the benefits of the development including that it would provide a number of smaller homes and affordable homes.

Councillor Alan Townsend was invited to speak as one of the Ward Councillors. He was opposed to the

application. He recommended that Members make a site visit in order to understand the impact the development would have on the countryside. However, he was particularly concerned about the impact the development would have on road safety. He had helped to produce a brochure about the development which stated that there had been 32 accidents close to the site. He recommended that the application be refused because the site was unsuitable.

Councillor Philip Ham had arranged for his comments to be read aloud in his absence. He was the other Ward Councillor. He was also opposed to the application. He said the site had not been included in the Council's Local Plans and neither was it sustainable. He said it was important to give attention to the Council's Plans and the Part 2 Local Plan would soon be ready.

During the discussion that followed Members noted the Council had been unable to demonstrate a 5 year housing supply. However, Members felt the Council's emerging Local Plan was so far developed that it already carried significant weight. Members were concerned whether the harm of the development would outweigh the benefits.

Members noted that communities could only grow at a certain rate and this particular development may be too great even for a primary village such as this. There was concern that the local amenities may not be able to cope with the increase in residents. Members noted that development that had already gone on in Coleford.

On the other hand, some members noted the advice from the government due to the lack of a 5 year housing supply and said at times it was necessary to build into the countryside in order for communities to grow.

Members who knew the site were particularly concerned about road safety.

The Case Officer said the Council was aware of residents' concerns about highway safety. However, the Highways Authority had assessed the site on numerous occasions, including a site visit and an assessment of the Travel Plan and they had concluded that the application was acceptable.

He went on to advise that Members should also be aware that, if a harm identified was contrary to the

advice of the consultee in that regard, then it will be very difficult, although not impossible, to defend such a reason for refusal at appeal.

In relation to further queries about the loss of trees, the Officer said in this instance it had not been possible to put a TPO on the trees or to protect the hedgerow, as the Tree Officer had confirmed that they were not suitable for formal protection.

As the discussion continued there was further concern about drainage.

Councillor Tom Killen proposed that the application be refused contrary to the Officer's recommendation on the grounds that the development would have a detrimental visual impact on the rural settlement of Coleford and the character of the village.

Councillor Eve Berry seconded the proposal to refuse the application.

One Councillor was concerned about consistency of decision-making.

In response to Members' comments, the Legal Advisor reminded the Board that in the absence of a five year housing land supply, this was not a situation in which local plan policies could be applied in the usual way. Paragraph 11d of the NPPF made it clear that in such circumstances, the local plan was to be regarded as out of date, and applying the judgement of Mr Justice Holgate, it was important that the Board acknowledged this in its evaluation of the application.

The Senior Team Leader - Development Management advised Members that, in her view, the proposed reason for refusal would not outweigh the benefits identified and that there would only be a slim, although not impossible, chance of defending the decision at any subsequent appeal.

Members agreed that the reason for proposing to refuse the application contrary to the Officer's Recommendation was on the grounds that the excessive number of dwellings proposed would have a significantly harmful visual impact on the character of the area and landscape contrary to the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan., in addition to guidance contained within the

	<p>NPPF.</p> <p>The proposal to refuse the application was carried by 6 votes to 4 votes. There were 2 abstentions.</p> <p>RESOLVED</p> <p>To refuse the application contrary to the Officer's Recommendation on the grounds that the excessive number of dwellings proposed would have a significantly harmful visual impact on the character of the area and landscape contrary to the provisions of Policies DP1, DP4 and DP7 of the Mendip District Local Plan., in addition to guidance contained within the NPPF.</p>	
<p>DM03</p>	<p>DM03 2018/1559/FUL Land South East of Vinney Lane, Blatchbridge, Frome</p> <p>The Officer's Report stated that this was an application for the change of use of land to one Gypsy pitch and associated works including one mobile home, one touring caravan, one day room, septic tank, and hardstanding.</p> <p>This application had been brought back before the Planning Board following its deferral at the Planning Board meeting of 16 October 2019 where it was resolved by members to defer the application to allow consultation with emergency services regarding their access to the site.</p> <p>The Highways Authority had concluded that there were no highway safety issues associated with the proposal subject to the provision of the necessary visibility splays at the access of the site onto Vinney Lane and provision of on-site parking and turning, as to be conditioned.</p> <p>Furthermore, an independent assessment had been undertaken in terms of emergency vehicular access to the site again not raising any unsurmountable issue. Therefore, the Local Planning Authority maintained that everyday access to and from the site was unlikely to raise highway safety concerns which were so severe as to warrant this application's refusal. Should for any reason, emergency vehicles need to attend on site, the lane was, albeit not to the standard preferred by the Devon and Somerset Fire and Rescue Service, wide</p>	<p>Carlton Langford</p>

enough to accommodate emergency vehicles and furthermore access to the site could be possible from the main A361 which was immediately adjacent to the site along a small section of Vinney Lane which had an appropriate width.

The Parish Council remained concerned about access.

The Council had received 12 letters about the application, including 11 letters of objection to the application. Grounds for objection included highway concerns and the risk of flooding.

The Officer's Report concluded that the proposal was acceptable in principle with the overall need for gypsy and traveller sites in the District providing support to approve the application notwithstanding the specific site search criteria identified Policy DP15. The scale of the proposal was such that it would have little impact on the character or amenity of the area and access to the site was acceptable in terms of highway safety. Subject to the imposition of the conditions, the application was recommended for approval.

The Officer said that the Council had had a number of representations that the lane was not wide enough for emergency vehicles. He reminded Members the statutory consultee in respect to this was the Highways Authority and they had not objected to the application.

Selwood Parish Council had submitted a pack of information about the application. The Parish Council was opposed to the development principally on the grounds of road safety and access.

Councillor Shannon Brooke had submitted her comments for the Chair to read aloud in her absence. She was the Ward Member. She was opposed to the application. She said both sides of Vinney Lane had to have locked gates preventing access onto the A361 Frome by-pass. She said the Devon and Somerset Fire Service clearly stated in November, and again recently, that Vinney Lane did not meet building regulations for use by emergency vehicles.

Further objections from the Ward Councillor included that the Council had failed to assess the impact on the otters present at this site, drainage solutions, the applicant did not qualify to reside on the site, objections from the 'Friends of Frome River' and the Otter Group.

She further pointed out that the Parish Council objected to the application along with the Fire Service.

The Officers were invited to address the Board on the issues that had been raised by the Ward Councillor, including the future occupancy of the site.

During the discussion that followed Members were concerned that it would be negligent to approve permission for a site where the emergency vehicles could not access it. Some Members had visited the site and measured the lane for themselves. They had found it to be unacceptably narrow.

However, Members noted that it may be possible for emergency services to cut the bolts at the gates and gain access that way. There was a discussion as to whether this would be acceptable. Members queried whether other commercial vehicles including the waste lorry would be able to access the site

In the light of the Case Officer's Report some Members found it hard to find any planning reasons to refuse the development on the site.

However, some Members remained concerned about drainage and flooding, particularly because the site was upstream of Frome Town.

In response to queries the Case Officer pointed to the conditions relating to drainage. His report had found that the site was suitable for installing its own drainage system. He also said it was up to the applicant to make an arrangement with the Somerset Waste Partnership for getting refuse collectors to the site.

Councillor Helen Kay proposed that the application be refused contrary to the Officer's Recommendation on the grounds that the width of Vinney Lane was inadequate for emergency and commercial vehicle access. Councillor Nigel Woollcombe Adams seconded the proposal.

The proposal to refuse the application was carried by 7 votes to 5 votes, with 1 abstention.

RESOLVED

That the application be refused contrary to the Officer's

	<p>Recommendation on the grounds that the width of Vinney Lane was inadequate for emergency and commercial vehicle access.</p> <p>Delegated authority was given to Officers in consultation with the Ward Member to work up the wording.</p>	
DM04	<p>2019/2336/FUL Shamrock Stables, Lynch Lane, Westbury sub Mendip</p> <p>The Officer's Report stated that this application sought planning permission for the installation of a septic tank; retrospective permission for the erection of a reception and office building; erection of a facilities building; erection of ten kennels; and use of fields for exercising dogs.</p> <p>This application was being brought back before the Planning Board following its deferral at the meeting of the 22 January 2020 where it was resolved by Members to defer the application to allow the applicant an opportunity to address the following issues:</p> <ul style="list-style-type: none"> • Number of dogs to be housed on site • Hours of exercise • Fencing on the site. • Waste management arrangements including the efficacy of the proposed septic tank <p>These issues were detailed within the Report.</p> <p>The Council had received 3 objections from neighbours opposed to the application. Grounds for objection included that the buildings were too large.</p> <p>The Officer's Report concluded that the applicant had submitted a number of alterations to seek to address concerns raised by Members in January. These changes would satisfactorily safeguard the general amenities of the area through the improved foul waste management system and enhanced fencing on site.</p> <p>The Officer's recommendation remained to approve the application subject to conditions and advices as set out in the Report which had been updated to reflect the additional matters addressed.</p> <p>Chris Langdon was invited to speak. He was opposed to the application because of the potential size of the</p>	Jenni Alvis

development. He asked that the adjacent land be restricted to agricultural use for the exercising of dogs from kennels only. He was further concerned about how many dogs could be accommodated there. He said that the rescue centre operation started at 5.30am which meant all the dogs (up to 80 of them) started barking and this woke up the neighbours. This was an unacceptable impact on neighbourhood amenity and was well recorded in the objections submitted. There had been no attempt to control this very early morning noisy operation. He requested that there be a condition added that would prevent any operation on site starting before 7am or taking place after 6pm.

Michael Garner was invited to speak. He said he worked as a volunteer at the dog rescue centre. He said the Environmental Protection Team had investigated complaints about noise nuisance but had not been able to substantiate them. He confirmed that the applicant did not intend to expand the activities. He pointed out that the Officer's Report had concluded that the previous concerns had been addressed and that the application was recommended for approval.

Sue Isherwood was invited to speak on behalf of Westbury Sub Mendip Parish Council. She said the premises were an ongoing problem in the village with complaints about noise and development without permission. The Parish Council were particularly concerned about creeping development and asked that this be controlled. She pointed out that the site fell within an AONB and should be preserved. The Parish Council further requested that the number of kennels be restricted.

The Case Officer explained that it may not be possible restrict the hours of operation due to animal care. She further explained there would be no point in this instance in adding a condition to permit development rights as the proposal did not benefit from permitted development rights. However, it may be possible to ask for a Travel Plan.

Councillor Ros Wyke was invited to speak as the Ward Councillor. She pointed out that the site was within the AONB and currently there seemed to be little control over development at the site. She was concerned that the red line showing the development on the plan was very big and felt that consideration should be given to restrict this. She said that upward of 85 dogs could be

heard barking which caused other dogs in the village to bark resulting in an unacceptable noise nuisance. She was interested in adding conditions to control the activities at the site.

The Legal Advisor said any conditions had to satisfy certain legal tests, for instance, they would have to be enforceable, relevant to planning and relevant to the development to be permitted.

During the discussion that followed some Members were satisfied with the Officer's Recommendation in principle.

There was some discussion and concern that the applicant had 50 pet dogs in addition to the 35 kennelled dogs.

Some Members were interested in adding a tighter set of workable conditions to control the activities at the site.

Such conditions included:

- Hours of operation
- Restricting the number of dogs within certain buildings
- A Travel Plan
- Restricting the use of the field to the exercising of dogs which were kennelled on site

Councillor Peter Goater proposed that the application be approved with conditions as recommended and discussed.

Councillor Heather Shearer seconded the proposal.

The proposal to approve the application with additional and revised conditions was carried by 10 votes to 2 votes. 2 Members abstained from the vote.

RESOLVED

That the application be approved with conditions as recommended and subject a tighter set of workable conditions to control the activities at the site including:

- Hours of operation
- Restricting the number of dogs within certain building
- A Travel Plan
- Restricting the use of the field to the exercising of

	<p>dogs which were kennelled on site</p> <p>Delegated authority was given to the Officer in consultation with the Ward Member to agree the wording of the conditions.</p>	
DM05	<p>2019/2852/FUL Hippisley Farm, East End Lane, Chewton Mendip</p> <p>The Officer's Report stated that this application sought full planning permission for the conversion of existing linked stone barns that sat to the east of the site into a three bed residential dwelling. The large steel framed agricultural barn to the south would be demolished and an extension to the stone barns was proposed running off the southern extent of the existing barns to the west.</p> <p>The application had been referred to the Planning Board at the request of the Ward Member and the Deputy Chair of the Planning Board.</p> <p>There were no objections from any of the statutory consultees.</p> <p>The Council had received one letter of objection to the application on the grounds of harm to ecology.</p> <p>The Officer's Report stated the site was outside of the development limits as defined by the Part 1 Local Plan. In relation to rural locations, the general thrust of Policy CP1 was that development would be strictly controlled and would only be allowed where it benefitted economic activity or extended the range of facilities available to local communities.</p> <p>The Report concluded that the proposal would result in an extension which would be larger than the host building and would not be sensitive to its character. As such this amount of new building exceeded what could be considered a conversion resulting in what is tantamount to a new-build dwelling.</p> <p>Currently, the Council could not demonstrate a 5-year supply of deliverable housing sites so there was a presumption in favour of sustainable development.</p> <p>In this case there would be some benefit from the proposals by adding a single dwelling house to the housing supply. There would also be some economic</p>	<p>Kelly Pritchard</p>

and social benefits arising from the construction of the dwelling as well as economic benefit derived from the future occupants for the wider area as well as revenue for the Council. However these benefits were similar to those that would result from the implementation of the current approval to convert the agricultural building to a dwelling. As these benefits were very small they could only be given limited weight and were not considered to outweigh the harm identified.

The Officer's Report concluded there were no special circumstances to justify what would amount to a new-build dwelling in the countryside in an area with limited services resulting in a dwelling in an unsustainable location. As such the proposal is considered unacceptable and contrary to Policies.

The Officer recommended that the application be refused.

Adrian Smith was invited to speak in support of the application. He said the applicant intended to use the proposed accommodation to house an elderly parent so that they were close by. He did not consider the development to be tantamount to a new build. He mentioned there was a fall-back position of permitted development of the site which should be given weight.

Councillor Tom Killen was invited to speak as the Ward Councillor. He supported the application. He said the existing barns were quite modest and would address the needs of the applicant's elderly parents. He noted that there were other barn conversions within the village. He said the village had good transport links. Further, there was a need for development within the village.

During the discussion that followed the majority of Members felt that no demonstrable harm would be caused by the development. They said the development would improve the appearance of the site.

Councillor Helen Kay proposed that the application be approved contrary to the Officer's recommendation on the grounds that the economic and social benefits arising from the construction of the dwelling as well as economic benefit derived from the future occupants outweighed the reasons to refuse it in this instance. Councillor Nick Cottle seconded the proposal.

The proposal to approve the application contrary to the

	<p>Officer's Recommendation was carried by 11 votes to 1 votes. There was 1 abstention.</p> <p>RESOLVED</p> <p>That the application be approved contrary to the Officer's recommendation on the grounds that the economic and social benefits arising from the construction of the dwelling as well as economic benefit derived from the future occupants outweighed the reasons to refuse it in this instance.</p> <p>Delegated authority was given to the Officer in consultation with the Ward Member to agree conditions.</p>	
DM06	<p>2020/130/FUL Land at 361328 143053 Monmouth Road, Shepton Mallet</p> <p>This item was deferred to a subsequent meeting.</p>	Carlton Langford
8	<p>DEVELOPMENT MANAGEMENT PERFORMANCE REPORT</p> <p>This report was noted.</p>	Rachel Tadman
9	<p>APPEALS LODGE, DECIDED AND FORTHCOMING HEARINGS</p> <p>This report was noted.</p>	
10	<p>Urgent Business</p> <p>None.</p>	

The meeting finished at approximately 10 pm