

Minutes of a Meeting of the Planning Committee - West held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Tuesday, 17 October 2023 at 2.00 pm

Present:

Cllr Simon Coles (Chair)

Cllr Norman Cavill

Cllr Andy Hadley

Cllr Steven Pugsley

Cllr Rosemary Woods

Cllr Habib Farbahi

Cllr Dawn Johnson

Cllr Sarah Wakefield

Cllr Gwil Wren

46 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Caroline Ellis, Ross Henley, Andy Sully and Derek Perry.

It was noted that Councillor Dawn Johnson was in attendance as substitute for Councillor Caroline Ellis.

47 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 19 September 2023 be confirmed as a correct record.

48 Declarations of Interest - Agenda Item 3

Councillor Simon Coles noted that he had spoken to the Agent for Agenda item 8: 14/21/047/HYB - Land East of the A38, South of Walford Cross, Monkton Heathfield, but had not offered an opinion.

The following Councillors noted that they knew the landowner for Agenda items 5 and 6: 38/22/0344 - Weir Lodge, 83 Staplegrove Road, Taunton: Habib Farbahi, Dawn Johnson, Sarah Wakefield.

The Solicitor defined 'close associate' as detailed in the Member's Code of Conduct and said it was for each Councillor to decide if they had a Code interest in the applications and/or could determine the applications with an open mind.

Councillor Andy Hadley noted that he had received several emails regarding Agenda item 7: 3/21/22/084 – Land East of Porlock Road, Minehead although he had not responded to them.

Councillor Norman Cavill declared a personal and prejudicial interest in Agenda item 8: 14/21/047/HYB - Land East of the A38, South of Walford Cross, Monkton Heathfield.

The Solicitor clarified that members should now be declaring Disclosable Pecuniary Interests, Other Registerable Interests and/or Non-Registerable Interests in line with the adopted Member's Code of Conduct. He suggested Members may wish for some further training on this. He reminded Members that they must consider whether they had a Code interest in any planning application brought to Committee and also whether they could approach the application with an open mind and were not predetermined.

Councillor Gwil Wren advised that he had sat on the former Somerset West and Taunton Planning Committee who had considered Agenda item 5: 38/22/0344 – Weir Lodge, 83 Staplegrove Road, Taunton: in March 2023. However, he said that he would retain an open mind in determining the application.

49 Public Question Time - Agenda Item 4

There were no questions from members of the public.

50 Planning Application 38/22/0344 - Weir Lodge, 83 Staplegrove Road, Taunton TA1 1DN - Agenda Item 5

The Planning Officer introduced the application to the Committee together with Planning Application 37/23/0103LB. With the aid of a power point presentation, he provided the following comments including:

- History of the previous permissions granted on the site and confirmed that the existing outbuilding that had already been granted permission for demolition had not yet been demolished.
- Clarified location of the site set within the conservation area and in relation to listed buildings.

- Increase in floor level due to proposal located within flood risk zone.
- Update on the latest phosphates situation in relation to the availability of credits.
- A further letter in support of the application had also been received.

He referred to the key issues being the harmful impact on the setting of listed building and on the character of the conservation area. He also highlighted the site was within Flood Zone 3 and that there was no current phosphate solution for the site. The recommendation was therefore for refusal for both this application and the listed building application 37/23/0103LB.

Three members of the public addressed the committee. Some of their comments included:

- Questioned the reason why this application had been brought back to Committee given previous permission had already been granted.
- Referred to nearby modern estate located opposite the application site and set amongst many listed buildings.
- Applicant has previously created excellent affordable housing and should support this scheme which would be a huge improvement to the area.
- Referred to a heritage consultation statement undertaken and its conclusions, which established that any harm to the area was effectively compensated due to the addition of the green space, public benefit and additional housing stock.

The solicitor for the applicant then addressed the committee. He referred to the previous permission which had been approved by the predecessor authority on condition that phosphate mitigation was dealt with, and planning conditions agreed. He voiced his disappointment in the time delays, lack of engagement with the planning service and that the applicant has been given a days' notice that the phosphate credits solution was not available. He questioned why the application had been brought back to Committee given these circumstances and requested that the application and the listed building application be deferred so that these two outstanding issues could be resolved and then permission be granted in line with the previous Committee decision.

The Solicitor explained to Members the reason why the planning application had been brought back to committee and although this application had previously been considered by the Somerset West and Taunton Planning Committee the listed building application 37/23/0103LB had not. The Solicitor explained that the Committee was not bound to follow the previous resolution by the SWT Planning Committee. He also advised on the issue of phosphate credits and explained that,

in addition to the Council's own credit scheme, there were now many private schemes available for developers.

During a lengthy debate several comments were made including:

- Questioned why the application had been brought back to Committee given no time constraints had been imposed.
- Felt the application should be deferred to allow Officers and the applicant to agree a resolution of the phosphates issue and the imposition of necessary conditions.
- Believe consideration of this application was premature and that more time was needed to allow these issues to be resolved, but that a time frame be imposed of approximately 3 to 4 months.
- The listed building application was a stand-alone application and therefore should be dealt with separately and questioned the reason why the listed building application be deferred when this application runs in parallel to it.

Following a further lengthy discussion, and following advice from the Solicitor, it was then proposed by Councillor Habib Farbahi and seconded by Councillor Steven Pugsley to defer on the basis of the previous Committee's decision that delegated authority be given to Officers to resolve the phosphate issue and planning conditions and then grant permission if those two issues are resolved, with a timescale until the Planning West Committee of 20 February 2024.

On being put to the vote the proposal was carried unanimously.

Resolved:

That planning application 38/22/0344 for the demolition of an outbuilding and the erection of 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton be DEFERRED to allow Officers to discuss with the applicant the outstanding phosphate issue and the imposition of planning conditions and, subject to these matters being resolved, to grant the planning permission. In the event that planning permission has not been granted by the date of the February 2024 meeting of the Committee, that the application be reported back to that Committee meeting for further consideration and determination.

(Voting: unanimous in favour)

51 Planning Application 37/23/0103LB - Weir Lodge, 83 Staplegrove Road, Taunton TA1 1DN - Agenda Item 6

Having previously presented this application together with application 38/22/0344 the Planning Officer reiterated his reasons for refusal of the application.

It was then proposed by the Chair, Councillor Simon Coles and seconded by Councillor Steven Pugsley to defer the application to at the latest the 20 February 2024 Planning West Committee, in line with the previous resolution, and encourage the applicant and Officers to work through and resolve the objections and issues.

Following a short discussion and in response to points of detail and questions from Members, the Solicitor clarified why the application would need to come back to committee notwithstanding that the previous application 38/22/0344 had been delegated for approval.

There being no further debate the proposal to defer the application was carried unanimously.

Resolved:

That in light of the resolution in respect of 38/22/0344, application 37/23/0103LB for the demolition of an outbuilding and the erection of 1 No. detached dwelling at Weir Lodge, Staplegrove Road, Taunton (resubmission of 38/22/0345LB) be DEFERRED and reported back to the Planning West Committee by no later than 20 February 2024

(Voting: unanimous in favour)

52 Planning Application 3/21/22/084 - Land East of Porlock Road, Minehead - Agenda Item 7

The Planning Officer introduced the application to the Committee and with the aid of a power point presentation, he provided the following comments including:

- Internal roads to be constructed to adoptable standards.
- Diversion of the public footpath currently running through the site.
- Vehicle tracking and visibility splays within the site are acceptable to allow for forward visibility and allow refuse, emergency vehicles etc. to enter, turn and exit the site.
- Proposal to allow the 40mph speed limit zone to be moved further south with a Traffic Regulation Order (TRO) being made to allow this to take place before construction of the access takes place.

He referred to the key consideration and said the site was well related to good

footpath links and the local bus stop with opportunities to walk to local facilities in a safe manner. He considered the density to be quite low and with no objections from the Highways Authority with only a modest increase in traffic associated with 10 dwellings. The proposed dwellings were to be set well away for the east side boundary of acceptable height and therefore consider no adverse effect on nearby properties. The site was situated within flood zone 1 and that an acceptable surface water drainage strategy had now been submitted and agreed. Biodiversity mitigation proposals were also deemed acceptable. The recommendation was therefore to approve the application.

The agent then addressed the committee. Some of her comments included:

- The proposal was of a modest scheme of 10 dwellings and policy compliant.
- Was in an appropriate location with good access to local services.
- Flood risk assessment had been undertaken and a surface water drainage strategy submitted. These has been agreed and deemed acceptable by the Environment Agency and LLFA.

During Members discussion comments were made including:

- Concerns raised regarding the surface water run-off and the impermeability of the site.
- Felt the nearby Porlock Road was dangerous and not safe for pedestrian use or access and that local connectivity was much needed.
- Believed the proposed access to the town via the nearby cul de sac was also not suitable.
- Voiced disappointment that the scheme did not provide much needed affordable housing.
- This was agricultural land and had not been identified in the local plan.

The Planning Officer and Solicitor responded on points of detail and technical questions raised by Members including:

- Clarified the location and explained the management of the proposed attenuation ponds and surface water drainage.
 - Explained the guidance around the development of land not previously identified within the local plan.
 - Could not enforce the development to build more homes on the site to allow for affordable housing. Officers were however content with the mix of proposed homes.
- Acknowledged the concerns regarding foul drainage but explained the process and intention to pump offsite.

With agreement from the Chair the agent then clarified to the Committee the reason for the reduction of dwellings on the site was in response to public consultation.

Councillor Gwil Wren proposed an amendment to Condition 4 to change the word 'occupation' to 'construction' to ensure the adequate provision of drainage infrastructure from the beginning of site construction.

It was then proposed by Councillor Steven Pugsley that the Planning Officer's recommendation together with the proposed amendment to Condition 4 be accepted and this was seconded by Councillor Gwil Wren. On being put to the vote the proposal was carried by 7 in favour, 2 against and 0 abstentions.

Resolved:

That planning application 3/21/22/084 on land East of Porlock Road, Minehead be GRANTED permission subject to the conditions listed in the Agenda report with an amendment to Condition 4 to change the word 'occupation' to 'construction' and the completion of a Section 106 agreement, for the following reason:

The proposals for 10 detached dwellings and associated infrastructure on land east of Porlock Road, Minehead accords with Policies SC1 and SD1 of the West Somerset Local Plan by virtue of being in close proximity of the built area of the town, providing good accessibility to the town and not putting undue pressure on local roads. It's important landscape and ecology features can be retained and enhanced, the design of dwellings is in keeping with the locality and amenity of the area can be protected. With suitable conditions and planning obligations securing community, and transport benefits, on balance the proposals are sustainable development that can be supported and approved.

(Voting: 7 in favour, 2 against, 0 abstentions)

(Councillor Norman Cavill, having earlier declared an interest, left the meeting at this point).

53 14/21/047/HYB - Land East of the A38, South of Walford Cross, Monkton Heathfield - Update Report - Agenda Item 8

The Planning Officer introduced the report which was an update to the main application which had been presented to the Somerset West and Taunton Planning Committee in September 2022. The application had been deferred to review and assess the 14 reasons for refusal and a further report had been presented in March

2023 where Members had granted a further 6 months to Officers to negotiate with the developer.

He advised that the site was now known as Langaller Park. He said there had been various meetings with stakeholders, Planning Officers and Members to revise the masterplan, include green infrastructure and the presence of a district centre. His recommendation was to allow a further 6 months to discuss the application with the developer and to maintain the option to delegate a refusal in consultation with the Chair and Vice Chair of the Somerset West Planning Committee of Somerset Council should current progress not continue.

The agent for the applicant advised that there were complex issues at the site including providing nutrient neutrality on-site. He had requested the time extension and confirmed that a Planning Performance Agreement had been entered into. He said that revisions to the application would be shortly submitted.

In response to a question, the Planning Officer confirmed that the work and time extension would be beneficial and he hoped to have a revised submission prior to the end of the 6 months.

The Planning Officer's recommendation to agree a further 6 months time extension was proposed by Councillor Steven Pugsley and seconded by Councillor Sarah Wakefield. On being put to the vote, it was unanimously agreed by Members.

Resolved:

That planning application 14/21/047/HYB for a Hybrid application for Outline planning permission with all matters reserved, except for access related to the A38, for the second phase of the Monkton Heathfield development on land east of the A38, south of Walford Cross, Monkton Heathfield, Members AGREED to not enact part ii) of the original resolution to refuse the application because in the view of Officers significant progress had been made.

Members further AGREED to grant a further 6 months for the Local Planning Authority and applicant to continue working towards an agreed masterplan and revised submission with Environment Statement addendum, but maintaining the option to delegate a refusal in consultation with the Chair and Vice Chair of the Somerset West Planning Committee of Somerset Council should progress not continue in the way required by the Local Planning Authority.

(Voting: unanimous in favour)

54 Appeal Decisions (for information) - Agenda Item 9

The Chair proposed to leave the meeting at this point and he asked that the Committee agree to appoint Councillor Steven Pugsley as Chair for the final item of business. This was agreed without dissent.

The Service Manager for Development Control introduced the report and drew Members' attention to the appeal decisions listed. She noted that all had been dealt with by the same appeal inspector and there had been no applications for costs.

In response to a question, the Service Manager for Development Control confirmed that all the applications had been delegated decisions by Officers.

At the conclusion of the debate, Members were content to note the report.

NOTED.

(The meeting ended at 5.07 pm)

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CHAIR