

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, 15 August 2023 at 2.00 pm

**Present:**

Cllr Simon Coles (Chair)

Cllr Norman Cavill

Cllr Andy Hadley

Cllr Steven Pugsley

Cllr Sarah Wakefield

Cllr Gwil Wren

Cllr Dixie Darch

Cllr Ross Henley

Cllr Andy Sully

Cllr Rosemary Woods

**Other Members present remotely:**

Cllr Tony Lock

Cllr Andy Soughton

**30 Apologies for Absence** - Agenda Item 1

Apologies were received from Councillors Caroline Ellis, Habib Farbahi and Derek Perry. There were no substitute Councillors in attendance.

**31 Minutes from the Previous Meeting** - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 18<sup>th</sup> July 2023 be confirmed as a correct record.

**32 Declarations of Interest** - Agenda Item 3

Councillor Dixie Darch declared that she was predetermined in relation to Items 5 and 6 - Planning Application 20/23/0019 and 23/23/0020. She would make comment but would not vote on these two items.

It was also noted all committee members had received additional papers and

information regarding Items 5 and 6 - Planning Application 20/23/0019 and 23/23/0020.

**33 Public Question Time** - Agenda Item 4

There were no questions from members of the public.

**34 Planning Application 20/23/0019 - Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary** - Agenda Item 5

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation. She provided the following comments including:

- Noted additional information had been received since the report had been published and that the applicant was willing to agree to the inclusion of a 'local occupancy' condition should Members be minded agree to the removal of the holiday occupancy condition.
- Summarised the two key elements of the application.

She also referred to the key considerations and explained that whilst the overall recommendation was for approval, the removal of the holiday occupancy condition was not supported and it was recommended that this should remain.

The Committee were addressed by the Division Member for the application. Some of her comments included:

- Draft neighbourhood plan supports the growth of housing development.
- Helps support the national housing shortage.
- Good opportunity to meet the local housing needs as there is limited opportunity for new housing in the village for smaller family homes.
- Brownfield site designated for development.
- Proposal is of a good eco build design standard.

Councillor Dixie Darch, having earlier declared that she was predetermined, then moved to the public seating and took no further part in consideration of this item.

The Committee were addressed by a representative of the Kingston St Mary Parish Council. Some of his comments included:

- Parish Council fully supported this application.
- Meets the needs of the local community as identified in the local housing

survey.

- Provision of the additional accommodation will be of considerable social benefit.
- Help ensure a balance is met both in downsizing and the supply of affordable homes and address the lack of 2/3 bedroom properties.
- Although not yet formally adopted the Neighbourhood Plan should carry some weight.

The Committee were addressed by the agent. Some of her comments included:

- Reiterated that there were two elements to the application and that the applicant was willing to replace the holiday occupancy condition with a 'local occupancy' condition.
- Site was within a sustainable location serviced by a nearby bus route with footpaths and within a safe walking route to the village.
- Economic benefits if properties were occupied full time.
- Meets the identified local need and as supported within the upcoming Neighbourhood Plan.

During discussion, varying points were made by Members including:

- Sought clarification regarding what impact phosphates would have should permanent occupancy for 52 weeks per year be approved.
- Voiced uncertainty regarding the intention of the application and whether it was to be considered as affordable or for downsizing.
- Need to be bold and take the opportunity to support the need for local homes for local people and not holiday homes.
- Supported the proposed amended plans but not the release of the holiday let condition.
- Did not believe an application should be made for holiday lets and then allowed to convert to permanent homes.
- Location was not suitable or in a sustainable location for the identified housing need.
- Appreciated the need for local housing but questioned the affordability aspect.
- Properties were required to meet the needs of all including the opportunity to downsize.
- Removal of holiday let condition fully supported by the local people which should not be ignored.
- Referred to planning policy and therefore should be cautious to release the holiday let clause.

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

- Clarified the Neighbourhood Plan process including the relevant stages and reasons why it should be given only limit weight at the current time.
- Confirmed the properties were not classed as affordable homes.
- Clarified the definition of a brownfield site.
- If Members were minded to retain the holiday let occupancy condition, a future application could be submitted should the applicant wish to try again following the implementation of the new Somerset Local Plan and any policy changes.

At the conclusion of the debate, it was proposed by Councillor Sarah Wakefield and seconded by Councillor Gwil Wren to approve the application as per the Planning Officer's recommendation to:

1. Approve the variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary subject to conditions, including Condition 5 that the chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence.

On being put to the vote the proposal was carried by 6 votes in favour, 3 against and 0 abstentions.

**RESOLVED:**

That planning application 20/23/0019 for the removal of Condition No. 05 (holiday occupancy) of application 20/05/0005 and variation of Condition No. 01 of 20/22/0027 (approved plans) at Plots 15 to 18 Mill Meadow, Parsonage Lane, Kingston St Mary be APPROVED subject to conditions as detailed in the supplementary appendix to the Agenda, including Condition 5 that the chalets shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence

(Voting; 6 in favour, 3 against, 0 abstentions)

**35 Planning Application 20/23/0020 - Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary - Agenda Item 6**

The Planning Officer introduced the application to the Committee with the

assistance of a power point presentation. She explained this application was similar to the previous application, although this was wholly for the removal of the 'holiday occupancy' condition of the appeal decision of a previous application.

She reiterated that the applicant was willing to agree to the inclusion of a 'local occupancy' condition should Members approve to approve the application.

She referred to the key considerations and that the recommendation was for refusal.

The Solicitor also clarified to Members that the application was wholly to consider the removal of the 'holiday occupancy' condition.

Councillor Dixie Darch, the Division Member did not make comment on this application as they were the same comments as per the previous application. Having earlier declared that she was predetermined, she then moved to the public seating and took no further part in consideration of this item.

The Committee were addressed by a representative of the Kingston St Mary Parish Council. Some of his comments included:

- It was never the intention this application was for the purpose of affordable housing.
- Parish Council was actively looking for an acceptance site for affordable housing.
- Needs of the local community should be supported.

The Committee were addressed by the agent. Some of her comments included:

- Clarified the previous appeal decision and occupancy conditions.
- Confirmed there was a bus link directly outside the site.
- Understood that phosphates would not be an issue going forward.
- There was demand for these cheaper more affordable units which are already built.
- High levels of biodiversity.
- Reiterated the applicant was willing to agree to the inclusion of a 'local occupancy' condition should members be minded to approve this application.

During discussion, varying points were made by Members including:

- Sought clarification regarding what impact phosphates would have should permanent occupancy for 52 weeks per year be approved.
- Sought clarification regarding tourism occupancy condition and length of use.

- Voiced confusion around the difference of holiday lets and 2<sup>nd</sup> home use.
- Site was not suitable and in an unsustainable location.
- Acknowledge restrictions would affect the value of the properties.
- This application falls outside the local plan and therefore not a suitable approach to solve the local housing problem.

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

- The impact of phosphate mitigation should the units be given over to permanent residential homes.
- The local connection criteria and cascade effect.

At the conclusion of the debate, it was proposed by Councillor Sarah Wakefield and seconded by Councillor Gwil Wren to refuse the application as per the Planning Officer's recommendation. On being put to the vote the proposal was carried by 6 votes in favour, 3 against and 0 abstentions.

#### **RESOLVED:**

That planning application 20/23/0020 for the removal of Condition No. 01 (holiday occupancy) of appeal decision of application 20/06/0039 at Plots 19 and 20 Mill Meadow, Parsonage Lane, Kingston St Mary be REFUSED permission for the following reason:

1. The proposed development is outside any defined settlement limits and therefore falls within open countryside. The site is located in an unsustainable location where future occupiers would be heavily reliant on the private car to access facilities and amenities that are not available within close proximity to the site. The proposed is therefore contrary to policies SP1, SD1 and CP1 of the Taunton Deane Core Strategy and policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

(Voting: 6 in favour, 3 against, 0 abstentions)

#### **36 Planning Application 38/20/0151 - 9-11 Burton Place, Taunton, TA1 4HD - Agenda Item 7**

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation. He advised that the application had not changed since it was approved by Somerset West and Taunton Council in

September 2020 but the decision notice had not been issued because of the potential negative impact the scheme would have on the Somerset Levels and Moors Ramsar Site. He noted that the applicant has agreed to enter into a Section 106 agreement for the acquisition of 0.5 no. SWT P-credits which were required to ensure that the proposed development would be nutrient neutral and would not have an adverse effect on the integrity of the Ramsar site as a result of excessive phosphates. Therefore his recommendation was to approve the application subject to conditions.

In response to a question, the Assistant Director for Strategic Place & Planning explained the interim phosphate mitigation strategy which Somerset West and Taunton had received approval from Natural England and the phosphate calculator on the Council's website which gave the number of credits required for a scheme.

There was no debate and it was proposed by Councillor Steven Pugsley and seconded by Councillor Ross Henley that permission be granted subject to the conditions contained in the report previously considered by the Somerset West and Taunton Planning Committee in September 2020 (Appendix A), the additional conditions set out in the Committee report and the completion of a Section 106 Agreement to secure phosphate mitigation. This was unanimously agreed by Members.

**RESOLVED:**

That planning application 38/20/0151 for the conversion of a terrace building (part of former police station) into 6 No. dwellings at Burton Place, Taunton be GRANTED permission subject to the conditions set out in the report previously considered by the Somerset West and Taunton Planning Committee in September 2020 (Appendix A), and the additional conditions set out in this Committee report and the completion of a Section 106 Agreement to secure phosphate mitigation.

(Voting: unanimous in favour)

**37 Objection to Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) - Agenda Item 8**

The Arboricultural Officer introduced the item and advised that there was currently outline planning consent for housing on the site. However, following a site meeting with the developer's arboriculturalist, Tree Preservation Order SWT73 was served to protect the best trees at the site. It was anticipated that a small number of the trees would need to be removed to facilitate the building of the access road through the

site, but the site plan was currently only indicative. Any lost trees would be replaced and the remaining protected trees in the two lines would be enhanced with new planting.

The Committee were addressed by the Agent for the developers. Her comments included:

- In 2019 the Orchard Grove site was granted outline planning permission which sanctioned the felling of specific trees and hedgerows and that approval should be given substantial weight in the determination of the TPO application as it conflicted with the officer's recommendation.
- The Officer's report did not give clear planning reasons for departing from the 2019 decision.
- Consistency was vital to instil public confidence in the planning system.
- The officer's justification that the Green Infrastructure Plan only related to the outline approval and not full permission failed to acknowledge that the Planning Committee had already approved the felling of specific trees.
- She concluded that it was crucial to uphold the TPO in its current form.

The Committee were addressed by an objector to the proposal. His comments included:

- The 2019 outline permission was supported by an environmental statement and arboricultural assessment which provided an assessment of the tree loss and retention across the site.
- The Green Infrastructure Parameter Plan which was agreed as part of the 2019 planning permission for the site, stated that the linear tree belts subject to the TPO would be removed to facilitate development.
- The stated tree losses would be offset by the beneficial effects proposed as part of the development including restorative pruning and new tree planting.
- He concluded by asking the Committee to reject the application and allow the site to be developed in accordance with the approved plans.

In response to questions from Members, the Planning Officer and Solicitor confirmed:

- The 2019 outline planning application for the site was still valid with all matters reserved except access. The design and layout of this part of the Orchard grove site was not yet agreed.
- The Reserved Matters application may show the removal of some TPO trees and the Committee could decide at that point if it was appropriate to remove them.



- The age of the trees at the site varied from 60 to 70 years for some and 30 to 40 for others. The trees included in TPO SWT73 were identified on site as being the ones in the two lines that were of sufficient quality to merit protection by TPO.

During discussion, the following points were made:

- The avenue of trees were not currently visible from the road but preserving some landscape features would be preferred.
- No amount of re-planting would replace the older trees.
- Preserving trees was part of the Council's ecological emergency.

It was proposed by Councillor Sarah Wakefield and seconded by Councillor Dixie Darch that the Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) be confirmed unmodified and this was unanimously agreed by all Members of the Committee.

**RESOLVED:**

That Somerset West and Taunton (Trull No.2) Tree Preservation Order SWT73 (2023) which protects 9 groups of trees growing in two lines running from Dipford Road at the northern end, going south towards Gatchell House which is located on Honiton Road, Trull be CONFIRMED unmodified.

(Voting: unanimous in favour)

**38 Appeal Decisions (for information) - Agenda Item 9**

The Service Manager for Development Control introduced the report and drew Members' attention to the two appeals which had been allowed by the Planning Inspectorate. She confirmed that she would circulate the main issues and concerns of the Planning Inspectors the following week.

In response to questions from Members, the Service Manager for Development Control confirmed that there had been no application for costs against the authority in respect of the appeal at the Lidl's store in Wellington and she cautioned against taking one Inspector's decision as setting a precedent for other applications.

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

**NOTED.**

**(The meeting ended at 4.23 pm)**

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**CHAIR**