

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, 18 July 2023 at 1.00 pm

Present:

Cllr Simon Coles (Chair)

Cllr Derek Perry (Vice-Chair)

Cllr Norman Cavill

Cllr Andy Hadley

Cllr Dawn Johnson

Cllr Andy Sully

Cllr Gwil Wren

Cllr Caroline Ellis

Cllr Ross Henley

Cllr Steven Pugsley

Cllr Rosemary Woods

21 Apologies for Absence - Agenda Item 1

Apologies for absence were received from Councillors Dixie Darch, Habib Farhabi and Sarah Wakefield.

It was noted that Councillor Dawn Johnson was attending as substitute for Councillor Dixie Darch.

22 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - West held on 20 June 2023 be confirmed as a correct record.

23 Declarations of Interest - Agenda Item 3

Planning Application 3/39/21/028 - Land to the North of the Transmitting Station, Washford, Williton

Councillor Rosemary Wood said she was predetermined in relation to planning application 3/39/21/028. She would make comment and then move to the public seating area.

Councillors Gwil Wren and Steven Pugsley stated that they had both received telephone calls regarding this application but they had not committed to any view. At the time the item was discussed, Cllr Steven Pugsley declared a personal interest in this application as an appointed representative of the Exmoor National Park Authority.

Planning Application 3/26/23/005 - The Blue Anchor, Cleeve Hill, Watchet

The Solicitor asked that it be noted all Members of the committee held a personal interest in Item 7 - Planning Application 3/26/23/005 as they were all elected Members and acknowledged they were colleagues of the applicant.

Planning Application 42/23/0016 - Orchard Grove, Land at Comeytrowe/Trull, Taunton

Councillor Dawn Johnson noted that she was the Division Member Comeytrowe & Trull.

24 Public Question Time - Agenda Item 4

There were no questions from members of the public.

25 Planning Application 3/39/21/028 - Land to the North of the Transmitting Station, Washford, Williton - Agenda Item 5

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

- Reiterated the development would be for a temporary period of 40 years.
- There would be no permanent change of land use.
- Provided brief overview of late representations.
- Clarified that personal circumstances could be a material consideration but only in exceptional or special cases and that it was for Members to decide whether it was justified to take them into account and the weight to be afforded to them in the planning balance.
- Updated on the consultation and discussions taken place regarding concerns raised around utilities and potential fire risk.

He also referred to the key considerations. The recommendation was for approval.

Five members of the public addressed the committee in objection to the application, and some of their comments included:

- Development would be detrimental to the farmland and have a huge impact on the operation and viability of the farms.

- Adverse impact on the visitor's perception of area.
- 40 years is not temporary, the damage to the soil and wildlife would be irreversible.
- Tenant farmers circumstances were a material consideration that should be considered.
- Contrary to local plan policies and not given true consideration.
- Development would have huge impact on the landscape character and visual amenity of the area.
- Unsuitable location for a solar development that would industrialise the local landscape.
- Should not presume that every proposal that provides green energy should be approved, and that suitable alternative options should be explored.
- Supportive of renewable energy but not at the loss of best and most versatile agricultural land.

The Committee were addressed by a representative of the Williton Parish Council, Nettlecombe Parish Council and Old Cleeve Parish Council. Some of their comments included:

- Appreciate the need to contribute to green energy but not at the loss of good agricultural land and the ability to grow valuable crops on this land.
- Development would have huge impact on the viability of the local farm businesses and local tourism.
- This location is not suitable for this solar farm development and that alternative options and locations should be sought.
- No local employment benefits.
- Contrary to local plan policies and the Council's climate emergency strategy.

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

- Permission was for a limited period of 40 years.
- Applicant fully engaged with the community and the proposal had been refined to address issues raised.
- Consider the public benefits outweigh any levels of harm and loss of any agricultural land.
- Compliant with local plan policies and believe it to be a sustainable development for solar regeneration.

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

- This site was very visible and a main tourist route into the area. The proposal would destroy this and have a detrimental impact on the tourism for the area.
- Loss of prime agricultural land.

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

Following legal advice, Cllr Steven Pugsley wished to declare a personal interest that he was an appointed representative of the Exmoor National Park Authority.

During discussion, the following points were made by Members: -

- Proposal would have an adverse visual impact on the landscape and AONB.
- Concern for the tenant farmer and viability of the farm businesses and that personal circumstances should be considered.
- Do not believe 40 years is temporary.
- Would result in the loss of best and most versatile agricultural land and the damage would be irreversible.
- Questioned the Biodiversity Net Gain.
- Adverse impact on the listed buildings, setting of the national park and noted the Heritage England objection.
- Appreciate the need for sustainable energy however this does not outweigh the harms associated with this proposal.
- Believe it contrary to policy given the degree of quality and grading classification of the agricultural land.

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

- The definition of 'temporary' regarding the period of time this application seeks to permit.
- Personal circumstances. It was clarified that Officers were not advising Members that they were unable to take personal circumstances into account. Personal circumstances were capable of being material considerations, but only exceptionally. It was a matter for Members to consider and decide whether the circumstances of the tenant farmers were exceptional and should be treated as material and, if so, the weight to be afforded to the same in the planning balance. It was the view of Officers that little or no weight could be afforded, but ultimately it was a matter for Members to determine.
- Agricultural land classification and gradings.

At the conclusion of the debate, it was proposed by Councillor Simon Coles and seconded by Councillor Gwil Wren to refuse the application contrary to the Planning Officer's recommendation for the following reasons:

1. The proposed development due to scale, and layout would result in the loss of best and most versatile agricultural land which is contrary to Policy NH8 of

the West Somerset Local Plan to 2032.

2. The proposed development due to its scale, layout, location and appearance fails to take into account the local visual adverse impact upon the local landscape notably in relation to the Exmoor National Park and the Quantock Hills Area of Outstanding Natural Beauty and is therefore contrary to Policies SD1, CC1, NH5 and NH14 of the West Somerset Local Plan to 2032.

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

RESOLVED:

That application 3/39/21/028 for the installation of a ground mounted solar farm with battery storage and associated development on land to the north of the Transmitting Station, Washford, Williton be REFUSED permission for the following reasons:

1. The proposed development due to scale, and layout would result in the loss of best and most versatile agricultural land which is contrary to Policy NH8 of the West Somerset Local Plan to 2032.
2. The proposed development due to its scale, layout, location and appearance fails to take into account the local visual adverse impact on the landscape notably in relation to the Exmoor National Park and the Quantock Hills Area of Outstanding Natural Beauty and is therefore contrary to Policies SD1, CC1, NH5 and NH14 of the West Somerset Local Plan to 2032.

(voting: unanimous in favour of refusal)

26 Planning Application 42/23/0016 - Orchard Grove, Land at Comeytrove/Trull, Taunton - Agenda Item 6

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation. He explained why the application had been submitted and the planning history of the site. He also provided the following updates to the written report:-

- No objections raised by Highways or Natural England.
- Amendment to condition 2 to revise the wording of the final paragraph.
- Amendment to condition 14 to add further bullet point regarding the construction management plan.
- Amendment to condition 22 to ensure correct plan is referenced.

- Amendment to condition 26 to revise the opening wording relating to cycleways and footways.

He referred to the material considerations and that the recommendation was for approval subject to the proposed, amended and additional conditions and informatives.

The Solicitor also explained to the committee:

- The use of a Section 73 application, which should Members be minded to approve, would result in a new free standing permission in parallel to the original outline permission.
- The legal mechanism to address the implications of the *Hillside* judgement.

The Committee were addressed by the applicant. Some of his comments included:

- The proposal sought to address the recent implications of the *Hillside* judgement in particular the care home.
- No new or increased housing was proposed within the application.
- As part of the Section 73 application a review of the Environmental Impact Assessment had been undertaken and supported.
- The application was purely to protect the validity of the outline planning permission and ensure delivery of the scheme,

During a short discussion, Members voiced their support of the application, and it was proposed by Councillor Andy Sully and seconded by Councillor Gwil Wren that the application be approved, as per the Officer's recommendation, subject to the conditions outlined in the report and the proposed amended and additional conditions.

On being put to the vote the proposal was carried by 7 in favour, 0 against and 1 abstention.

RESOLVED:

That planning application 42/23/0019 for the variation of Condition No. 02 (approved Plans) of application 42/14/0069 for the removal of 0.58ha of land from the approved employment area on land at Comeytrove, Taunton be APPROVED subject to the conditions (as amended) listed in the Agenda report.

(voting: 7 in favour, 0 against, 1 abstention)

27 Planning Application 3/26/23/005 - The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP - Agenda Item 7

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation and referred to the key considerations. The recommendation was for approval.

The Chairman referred to the issue raised regarding the publication of some objector's comments and then proceeded to read out parts of the statement from the applicant who was unable to attend the meeting. Some of the comments included:

- He intended to appeal the original decision but had no choice but to submit a separate application for the installation of the solar panels.
- The caravans were not in poor condition.

During a short discussion Members voiced their support of the application and at the conclusion of the debate it was proposed by Councillor Gwil Wren and seconded by Councillor Andy Sully that the application be approved, as per the Officer's recommendation, subject to the conditions outlined in the report.

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

RESOLVED:

That planning application 3/26/23/005 for the installation of solar panels on static caravans (Resubmission of 3/26/22/013) at The Blue Anchor, Cleeve Hill, Watchet, TA24 6JP be APPROVED subject to the conditions listed in the Agenda report.

(voting: unanimous in favour)

28 Planning Application 18/22/0014 - Brufords Farm, Northway Lane, Halse, Taunton, TA4 3JL - Agenda Item 8

The Planning Officer introduced the application to the Committee with the assistance of a power point presentation and referred to the key considerations. The recommendation was for approval.

In response to a Member's question, she confirmed a condition was included to ensure a suitable water drainage system within the site.

There being no further discussion it was proposed by Councillor Steven Pugsley and

seconded by Councillor Andy Sully that the application be approved as per the Officer's recommendation and subject to the conditions outlined in the report.

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

RESOLVED:

That planning application 18/22/0014 for the change of use of land with construction of a horse riding arena on land to the west of Brufords Farm, Northway Lane, Halse be APPROVED subject to the conditions listed in the Agenda report.

(voting: unanimous in favour)

29 Planning Application 45/22/0010 - Blue Ball Inn, Cockercombe Road, Bagborough, Taunton, TA4 3HE - Agenda Item 9

This planning application was withdrawn by the applicants prior to the meeting.

At the conclusion of the meeting the Assistant Director for Strategic Place and Planning advised that the Jurston Farm statutory challenge by CG Fry to the High Court had been unsuccessful. However, the claimant had sought permission to appeal the decision to the Supreme Court and further information was contained in the report to the Strategic Planning Committee on 21 July 2023.

(The meeting ended at 4.10 pm)

.....
CHAIR