

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, 16 May 2023 at 1.00 pm

Present:

Cllr Simon Coles (Chair)

Cllr Derek Perry (Vice-Chair)

Cllr Norman Cavill

Cllr Caroline Ellis

Cllr Steven Pugsley

Cllr Gwil Wren

Cllr Habib Farbahi

Cllr Dixie Darch

Cllr Andy Hadley

Cllr Sarah Wakefield

Cllr Mandy Chilcott

1 Apologies for Absence - Agenda Item 1

Apologies were received from Councillors Ross Henley, Andy Sully (substituted by Councillor Habib Farbahi) and Rosemary Woods (substituted by Councillor Mandy Chilcott).

Councillor Marcus Kravis was absent.

2 Minutes from the Previous Meeting - Agenda Item 2

The Chair advised that the minutes of the previous Somerset West and Taunton Planning Committee meetings held on 23 February, 2 March, 27 March and 30 March 2023 (two meetings) would be approved at the Full Council meeting on 24 May 2023.

3 Declarations of Interest or Lobbying - Agenda Item 3

In addition to the interests listed in the agenda papers, Members present at the meeting declared the following interests:

Councillors Simon Coles, Norman Cavill, Dixie Darch and Caroline Ellis confirmed that following the Taunton Town Council elections, which took place after the agenda was published, they are no longer Taunton Shadow Town Councillors.

Agenda item 5 – application 19/22/0023

No declarations of interest were made in relation to this application

Agenda item 6 – application 32/22/0004

All Councillors on the Committee (with the exception of Councillors Chilcott and Farbahi) had received an email from the agent in respect of this application. Councillors confirmed that they had not fettered their discretion and were able to take part in the debate and vote on the application.

Councillor Gwil Wren confirmed that, as the Divisional Ward Member he'd had a telephone conversation with the agent/ applicant and had also sent them an email. Therefore, he would abstain from voting on this application.

Councillor Sarah Wakefield also confirmed that she's had a conversation with the agent but had not fettered her discretion.

Councillor Cavill declared a personal interest as a farmer.

Agenda Item 7 – application 42/23/0022

Councillor Farbahi confirmed that he represented Comeytrove and had commented on previous planning applications, particularly relating to the pumping station. However, in relation to this application he had expressed no view and would take part in the debate and vote on the matter.

4 Public Question Time - Agenda Item 4

Mrs Janet Lloyd (former Somerset West and Taunton Councillor) addressed the Committee to highlight a discrepancy with the published timescales for public speaking. In one place it stated 12 noon providing 1 clear working day before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 12 noon on Monday prior to the meeting). However, in the planning committee guidance it says no later than 12 noon on the working day before the Committee meeting.

The Chair confirmed that the discrepancy had already been picked up by Democratic Services and was in the process of being amended.

There were no other speakers in public question time.

Speakers for the applications were as follows:

Application No.	Name	Position	Stance
32/22/0004	Mr Piers Pepperell	Member of the public/ local vet	In support
	Cllr Janet Lloyd	Chair of Sampford Arundel Parish Council	In support
	Mr Sam Tucker	Applicant	In support

There were no registered speakers for applications 19/22/0023 and 42/23/0022.

5 19/22/0023 Erection of a detached garage with store and office above at Deep Springs, Village Road, Hatch Beauchamp - Agenda Item 5

The Officer's Report stated that this application had been referred to the Planning Committee West as the agent submitting the application is an agency member of staff working in the Employment, Economy and Planning Service.

The Recommendation was that permission be granted subject to conditions.

The proposal is considered to comply with policy and would not have an adverse impact upon the neighbouring properties. Amended plans had been submitted reducing the height by approximately 1 metre, taking into account the comments received from the Parish Council. The dimensions of the building measure approximately 7 metres tall by 9.5 metres wide and 7 metres deep.

The Planning Officer outlined the application to the Committee with the assistance of a presentation.

There were no public speakers for this application.

Discussion took place around:

- The height and how it compared to the historic application. The Planning Officer confirmed that the original application approved in 2019 didn't have the store above but this one does to make a home office in the store. Also, that the height of the garage was 7 metres tall and designed to accommodate a motor home,

and that conditions 3 and 4 in the report relate to it as a residential garage. It cannot be changed without a further planning permission.

- Whether residents would be aware that the plans had changed and were given the opportunity to comment on the amended plans. The Planning Officer confirmed any amended plans go back out to consultation.
- Whether the structure would be visible from the road. The Planning Officer confirmed that there would be glimpses only.
- In terms of condition 1, what the time limit three years related to. Officers confirmed that condition 1 limits the life of the planning permission and means that work would need to begin within 3 years of the date of the planning permission.
- In terms of condition 2, what is meant by drawing numbers. Officers confirmed that if the Committee decides to approve the application the plans would be included in Condition 2 so the developer is clear about what is permitted when they carry out the building work
- In respect of conditions 3 and 4, relating to the garage being retained for parking and ancillary use of the garage and office, and what that meant. Officers confirmed it would be ancillary to residential use of the building known as Deep Springs. Many people work from home now so that would be appropriate but if the it could not be used as an independent commercial unit without coming back for a separate new planning permission.
- Whether the conditions were enforceable. Officers confirmed that the conditions are enforceable and if the Council received a complaint, the enforcement officer would carry out a visit and issue an enforcement notice if appropriate.

The Committee **RESOLVED** that planning application 19/22/0023 be approved in accordance with the Officer's Recommendation which was that permission be granted subject to conditions.

Proposed by Cllr Steven Pugsley; seconded by Cllr Caroline Ellis

On being put to the vote the proposal was carried unanimously by 11 votes in favour, 0 vote against and 0 abstentions.

Cllr Derek Perry arrived at the meeting at 1.25pm, prior to the commencement of agenda item 6.

6 32/22/0004 Application for Outline Planning with all matters reserved, except for access, for the erection of 1 No. agricultural workers dwelling on land to the South East of Home Farm, Breach Hill, Sampford Arundel - Agenda Item 6

The Planning Officer outlined the application to the Committee with the assistance of a presentation.

The key points were:

- This is an outline application with the access only for consideration. Appearance, landscaping, layout and scale are not under consideration at this stage.
- The proposed development uses existing access from the main driveway, goes around existing agricultural buildings and then joins back up to the development site.
- There is a proposal for an orchard between the existing Farm House and the proposed new agricultural workers dwelling to protect the amenity of each dwelling. The proposed orchard is not for consideration as part of this planning application and overlooking and loss of amenity would be considered at the design stage of the dwelling at reserve matters should this application gain consent.
- The proposal is that the new dwelling would be sited adjacent to the existing dwelling. This would then make it adjacent to the settlement boundary of the village and the existing farm complex.
- The site is in the countryside in an unsustainable location and therefore needs to fully compliment Policy 1a which assesses new permanent agricultural workers dwellings.
- The proposed dwelling would be required for a full time worker employed by the business which is considered to be financially acceptable. Figures show 9.38 full time employees are required to service the existing business.
- There is no other dwelling associated with the holding.
- The applicant's vets submitted two letters, the first submitted as part of the application stating it would be wise to have 1 preferably 2 experienced workers situated on site at Home Farm. The second letter confirmed it is essential rather than wise.
- The access to be used by the proposed dwelling and highway conditions would be used to secure parking provision, use of garages and electric vehicle charging points.
- Policy H1a relates to permanent housing for rural workers. Point d states 'the functional need could not be fulfilled by another existing dwelling on the unit, or

any other existing accommodation in the local area which is suitable and available for occupation’.

- In this case the justification for criteria d) is 10-15 minute drive time. That is the search area for the local area. An alternative accommodation assessment was submitted by the agent which showed two 2 bedroom dwellings with parking all within the 10-15 minutes drive time.
- A further update for committee was an additional reason for refusal relating to phosphates and the fact that insufficient information had been submitted to satisfy the Local Planning Authority that the ecology impacts from the development have been sufficiently taken into account and, as such substantial mitigation measures have not been provided’.

The Planning Officer set out that the recommendation was to refuse the application on the grounds of:

1. The proposed development does not accord with policy H1a of the Site Allocations and Development Management Plan as there is other suitable accommodation available within a 10-15 minute drive time.
2. The proposed development has failed to successfully address the matter of phosphates.

There were three public speakers for this application.

The Committee was addressed by Mr Piers Pepperell, Director at Mount Vets, speaking in support of the application. His comments included:

- That he had been a veterinary surgeon and member of the Royal College of Veterinarians for 25 years and a farm vet for over 20 years.
- He had worked with the Tucker family for the majority of his working life and their focus is on animal welfare and sustainable growth.
- Home Farm has now grown to the size where an onsite herd manager is essential to maintain the standards of welfare needed for the stock.
- The herd consists of about 300 Holstein dairy cows which calve all year round so important to have someone on hand to ensure the animal welfare and safety on site 365 days a year. Home Farm also has a sheep flock and 200-300 beef animals.
- The need to be within the locality to hear and assist any animals in distress or difficulty, with the proposed location for the development being perfect for this
- The new dwelling is required to maintain the welfare and management for these animals. Being up to 15 minutes away is unacceptable for the welfare of the animals.

The Committee was addressed by Cllr Mrs Janet Lloyd, Chair of Sampford Arundel

Parish Council, speaking in support of the application. Her comments included:

- Although deemed to be in open countryside Home Farm is adjacent to the centre of the village settlement of Sampford Arundel, which is a village not a hamlet as described in the officer's report.
- The site of the proposed dwelling is completely within curtilage of the farm.
- This successful business is the only remaining milking farm in the village.
- Home Farm is the second largest employer in the village employing seven staff and is a major contributor to the economy of the area.
- Home Farm has a herd of 220 milking cows and they calve all year round to produce the next generation of cows and more milk. Support and encouragement should be given to local farmers to produce food and milk and reduce food miles.
- I implore you to go against the officer's recommendation and approve this application which includes an agricultural workers dwelling at Home Farm for the reasons including the functional need to have a herd person on site constantly.

The Committee was addressed by Mr Sam Tucker, Applicant, speaking in support of the application. His comments included:

- Home Farm is 650 acres in size and has 200 plus milking cows and 500 cattle in total as well as 180 sheep.
- Work full time on the farm for 10 years, manage the dairy herd and look after the rest of the farm as well.
- The cows have to be milked twice a day, fed and bedded up and they have to be checked day and night when they are calving. On average there is a calf born every other day but sometimes there can be upwards of four born a day, and it mainly happens at night.
- If the cows require assistance, it's a two person job and have to keep checking on them so it would be impractical to travel 10-15 minutes back and forwards.
- It's vital to live on the farm to manage the herd and ensure their welfare
- Permission has been granted on other farms including one down the road which has a third less animals.

Discussion took place around:

- The need for the Committee to make decisions according to policy
- The rationale behind the criteria in policy H1a and whether it was anticipated that the farm worker would be able to afford to buy accommodation nearby or whether the farm owner would buy the property.
- Whether the farmer could live in the existing Farm House
- Phosphates – whether there was a justifiable reason to refuse on this ground at

this stage and whether phosphates mitigation could be part of the full planning application when that came forward

- Whether planning trees could be used to offset the phosphates issue
- Policy does not allow unrestricted building in the countryside – there has to be an agricultural tie to the farm.
- Having a database of properties in the local area that have an agricultural tie would be useful
- Whether advice from the Vet would count as professional advice. Officers confirmed that the Committee should certainly take account of comments made by public speakers and pay particular attention if the speaker is professionally qualified.
- Whether the application should be deferred to enable a phosphate solution to come forward.
- Whether the application is compliant with Policy H1a due to the fundamental need for the agricultural worker to be onsite for the welfare of the animals and not living 10–15 minutes away.
- The fact that every application has to be considered in accordance with the development plan. All 5 criteria have to be passed in terms of policy H1A.
- The fact that evidence shows that there is suitable and available alternative accommodation within 10-15 minute drive.
- What suitable and available actually meant. Whether the alternative accommodation is suitable for supporting the livestock business given the advice from the Vet. Whether the alternative accommodation is available given property and rentals are under pressure in the area, and the fact that it might be available online but might not be available to the farm worker.
- That Planning Policies need to be updated to reflect the challenges faced by farmers
- The functional need in respect of Policy H1a in this case is very particular and established and cannot be fulfilled living up to 15 minutes drive away from the farm. Good animal husbandry requires that you have someone on site all the time to look after the calves.
- The reduction in carbon impact of driving less if they are based on site
- Whether the Council policies would be considered as out of date as per section 11 of the National Planning Policy Framework section in favour of application unless adverse impacts.
- Whether the application should be approved with conditions including a phosphates solution.

The Committee **RESOLVED** that planning application 32/22/0004 is delegated to officers to approve the application on the grounds that the committee is satisfied that there is a functional need for an agricultural dwelling on this site in the particular circumstances of this case. Subject to a suitable phosphate mitigation

solution being secured via a S106 agreement and planning conditions to be delegated to officers in consultation with the chair/ vice chair of Planning Committee West.

Proposed by Cllr Norman Cavill; seconded by Cllr Steven Pugsley

On being put to the vote the proposal was carried by 8 votes in favour, 2 votes against and 1 abstention.

Following the vote a Councillor advised that another Local Planning Authority had included a succession farm dwelling policy within its adopted Local Plan and suggested that this should be considered when the Somerset Council Local Plan is produced.

7 42/23/0022 Application for the approval of reserved matters following outline application 42/14/0069 for the access, appearance, landscaping, layout and scale for the erection of a substation to service the Primary School at Orchard Grove, Comeytrove - Agenda Item 7

The Officer's Report stated that this application had been referred to the Planning Committee West as Each application at the Comeytrove Garden Community, known as Orchard Grove, had been subject to Planning Committee scrutiny given the significance of the scheme and the public interest

Cllr Coles confirmed that he had asked for the application to come forward due to Members having had lots of conversations with the public in relation to the Comeytrove development. Therefore he felt that it was reasonable to bring it before the Committee so that members of the public could come along and comment if they chose to.

The Planning Officer outlined the application to the Committee with the assistance of a presentation and confirmed that this was a minor application compared to other Comeytrove applications and related only to the erection of a substation to service the Primary School at Orchard Grove, Comeytrove.

The officer recommendation was that planning permission be granted subject to conditions and to delegate approval to the Service Manager, Development Management in consultation with the Chair and Vice Chair subject to no adverse comments being received by end of 19 May 2023 (the end of the consultation period).

There were no public speakers for this application.

There was no debate on this application.

The Committee **RESOLVED** that planning application 42/23/0022 be approved in accordance with the Officer's Recommendation which was that planning permission be granted subject to conditions and to delegate approval to the Service Manager, Development Management in consultation with the Chair and Vice Chair subject to no adverse comments being received by end of 19 May 2023 (the end of the consultation period).

Proposed by Cllr Steven Pugsley; seconded by Cllr Mandy Chilcott

On being put to the vote the proposal was carried unanimously by 11 votes in favour, 0 vote against and 0 abstentions.

8 Access to Information - Exclusion of the Press and Public - Agenda item 9 - Agenda Item 8

The Committee **RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business (Agenda Item 9 on the ground that it involved the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).

9 Enforcement Action - Agenda Item 9

(The meeting ended at 4.10 pm)

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CHAIR