

The Regulation Committee

Minutes of a meeting of the Regulation Committee held on Thursday 14 June 2018 at 14.00 in the Luttrell Room, County Hall.

Present

Cllr J Parham (Chairman)

Cllr A Bown
Cllr M Caswell
Cllr S Coles

Cllr A Kendall
Cllr T Napper
Cllr D Ruddle

Other Members Present: None

The Chairman welcomed everyone to the meeting, outlined the meeting procedures, referred to the agendas and papers that were available and highlighted the rules relating to public question time.

1 Apologies for Absence – agenda item 1

Cllr J Clarke, Cllr N Hewitt-Cooper, Cllr M Keating, Cllr M Pullin, Cllr N Taylor

2 Declarations of interest – agenda item 2

Reference was made to the following personal interests of the Members of the Regulation Committee which were published in the register of members' interests which were available for public inspection in the meeting room:

Cllr A Bown	Member of Sedgemoor District Council
Cllr S Coles	Member of Taunton Deane Brough Council Member of the Devon and Somerset Fire and Rescue Authority
Cllr A Kendall	Member of South Somerset District Council Member of Yeovil Town Council
Cllr J Parham	Member of Mendip District Council Member of Shepton Mallet Town Council
Cllr D Ruddle	Member of South Somerset District Council Member of Somerton Town Council
Cllr T Napper	Member of Mendip District Council Member of Glastonbury Town Council and Street Parish Council

3 Accuracy of the Minutes of the meeting held on 12 April 2018 – agenda item 3

The Chairman signed the Minutes of the Regulation Committee held on 12 April 2018 as a correct record.

4 Public Question Time – agenda item 4

(1) There were no public questions on matters falling within the remit of the Committee that were not on the agenda.

(2) All other questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

5 Proposed New Primary School on Land at Nerrols Farm - agenda item 5

(1) The Case Officer with the use of maps, plans and photographs outlined the application for a proposed new Primary School on Land at Nerrols Farm, Taunton. The Committee were informed: the development formed part of a wider land allocation as detailed in the Taunton Deane Borough Council Core Strategy; the wider development included both a residential element along with a commercial centre; and the development site included a tree which is subject to a preservation order.

The Case Officer highlighted: vehicular and pedestrian access to the site; secure boundary treatments; that parking provision was broadly in accordance with parking strategy standards; and the development was a two-storey building, which would be finished in exposed brick with an off-white render.

The Case Officer proceeded to highlight the key issues for consideration including highways and residential impacts. With reference to highways impacts the Committee were informed that: the Highway's Authority had been consulted but had not raised any concerns; and there had been a number of public objections regarding parking at school pick up and drop off times, but that it was felt this could be managed with the aid of a travel plan. Regarding residential amenity impact, the Committee were informed that the outdoor sports areas could cause some noise disturbance to near-by properties, but this was to be expected if living near a school. It was further noted that no community of the site use was proposed.

(2) The Committee heard from Carol Bond, representing the applicant, who spoke in support of the application and raised a number of points including: the need for school places following significant demographic growth in the area; that it was anticipated that the school would open in September 2019; the proposed development included a nursery; classrooms would be opened in stages, as required; the school would provide places for local children; the Travel Plan included a commitment to reduce single occupancy car journeys;

no highways concerns had been raised; and the car park was larger than that required by the Council's parking policy.

(3) The Committee proceeded to debate during which a number of questions were asked by Members including: concerns regarding highway access, including West Monkton being used as a 'through-route'; parking enforcement; the potential to include a drop off and pick up area; questioning if the number of parking spaces was sufficient; the importance of encouraging local families to walk to school; the lack of a pedestrian crossing; that a new school would be conducive to learning; residential development in the local area; enforcing travel plans; and that the lack of community use which would limit any noise disturbance to school hours.

(4) At the Chairman's invitation the Case Officer responded to the points raised in debate, noting: the police could carry out parking enforcement in extreme situations where other measures have failed; it was in a schools best interest to have a good relationship with local residents; the good pedestrian and cycle access to the site; the development included 33 car parking spaces; that a separate planning application would be required if any community use was required; and that this was a constrained site and that in his professional opinion a drop off and pick up area would be a inefficient use of the available land.

(5) At the Chairman's invitation Lisa McCaffrey, speaking on behalf of the local Highway Authority addressed the Committee, noting that are two pedestrian crossings in the vicinity of the school.

(6) Cllr Dean Ruddle proposed the recommendations as detailed in the officer report and this was seconded by Cllr Mike Caswell.

(7) The Committee resolved in respect of planning application no. 4/08/18/0004/OB that planning permission be GRANTED subject to the conditions set out in section 9 of the officer's report, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance

6 Erection of a secondary SEN school and primary school on land at the former St Augustine of Canterbury School – agenda item 6

(1) The Case Officer with the use of maps, plans and photographs outlined the application for the erection of a secondary SEN school and primary school on land at the former St Augustine of Canterbury School, Taunton. The Committee were informed: this is a hybrid application which includes full permission for a secondary SEN school, and outline permission for a primary school; the site was accessed from Lyngford Road; the site was only a proportion of the former St Augustine's site; the proposed development has a smaller footprint than the previous building; and the proposed development included a multi-use games area.

(2) The Case Officer proceeded to highlight the key issues for consideration including: that the development was in accordance with the development plan; playing field provision; and transport and parking. Members were informed of concerns raised by Sport England regarding development including playing field policy guidance, in reply the Case Officer highlighted: the educational need for this school; and the site had not been used for 8 years. Members were further informed that the proposal was in accordance with the development plan, and that it was recommended permission be granted subject to the conditions detailed in the officer report.

(2) The Committee heard from Phil Curd, representing the applicant, who spoke in support of the application and raised a number of points including: the hybrid approach to the site development; the former St Augustine's School building had been demolished; it was proposed that Selworthy School would expand onto this site, as the existing accommodation had reached maximum capacity; the first phase of the development was fully funded; the need for secondary SEN school places; and creating an exemplar scheme with grounds including a mix of teaching and play spaces.

(3) The Committee proceeded to debate during which a number of questions were asked by Members including: quantifying the concerns raised by Sport England; parking provision; the need for the school places; consideration of school parking policy guidance; and the excellent site and building design.

(4) Cllr Ann Bown proposed the recommendations as detailed in the officer report and this was seconded by Cllr Simon Coles.

(5) The Committee resolved in respect of planning application no. 4/38/18/0040/OB that planning permission be GRANTED subject to the conditions set out in section 11 of the officer's report, and as amended in the late paper with regard to condition No. 16 regarding Playing Field Provision.

The Committee further resolved that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance

7 Section 15, Commons Act 2006: Application to Register Land as a Town or Village Green at Shepherds Mead, Norton St Philip

(1) The Rights of Way Officer with the use of maps, plans and photographs outlined the application to register land as a town or village green at Shepherds Mead, Norton St Philip. The Committee were informed: the application has been made by Norton St Philip Parish Council; documents regarding the application were originally submitted in August 2015; the site was approximately 5 h/a in size and was to the east of the village; there are 4 main access points into the site; and there are 4 Rights of Way crossing the site.

(2) The Rights of Way Officer highlighted that for the land to become a village green under the Commons Act the applicant would need to be able to show that: the land had been used by local inhabitants for lawful sports and pastimes; that this use has been 'as of right' and has been on-going for 20 years; and in this instance was continuing. It was noted that 96 user evidence forms had been submitted; and that use was detailed back as far as the 1930's.

The Committee were informed that one objection had been received on behalf the landowner and a developer who had an agreement regarding the land, and that this raised three areas of concern: the application had not been properly made; the relevance of a trigger event; and that there was insufficient use of the land 'as of right'. The Rights of Way Officer proceeded to further inform the Committee that a non-statutory public inquiry had been held in March 2017, noting that the full Inspectors Report was available as Appendix 2, and highlighted the importance of the Committee fully considering the Inspectors response.

With regard to the application not being properly made the Rights of Way Officer highlighted: that whilst the original application plan had not been submitted in the correct scale, this was corrected in September 2013; a discrepancy in the Statutory Declaration was later identified and was corrected in February 2016; and at the point of the inquiry a further issue with the Declaration was identified, but the inspector was of the opinion that the law allowed the applicant a further opportunity to perfect the application. A duly made application was received by the County Council in April 2018, but that the original submission date was still considered to be the point of application in August 2015.

With regard to a trigger event the Case Officer noted: the background to trigger events; the planning application submitted for the site in question; and the two planning applications put forward by the applicant as trigger events, one for a foul sewer, which the inspector deemed not to be a trigger event, and the second for housing development in the upper part of the site, which was made after the TVG application had been submitted.

With regard to insufficient use 'as of right' the inspector concluded that: the use of the North and central parts of the site was mostly on the defined routes, and so there was not a significant amount of 'as of right' use, but that the southern part of the site was materially different with more off path use.

Having considered all relevant evidence the Inspector concluded that: there had been no trigger event; the application was capable of being perfected; and that the application was accepted in so far as the area in the southern part of the site, but should be rejected for the rest of the land; and that as such concluded that the southern area only should be designated as a TVG. The Committee were further informed that the Inspector refers to the area which he concluded should be designated as a TVG in words, and as such a plan had been agreed with both the applicant and objector.

(3) The Committee heard from Roy Clarke representing the landowner, who spoke against the application and raised a number of points including: the applicant solely owned the application land, and felt the application should be rejected; the considerable expense to the landowner; the application had been submitted to prevent residential development; the application was wasting public money; and that if the inspectors report were not accepted the applicant would challenge.

(4) The Committee heard from Linda Oliver, a local resident, who made observations, spoke in support of the application, and raised a number of points including: making reference to the photographs she had circulated; the area had been used by local people for 90 years; the very vague terms used by the inspector; that children do not limit their play to one area; that it had taken 5 years for the application to reach this point; that there were other options regarding the area which should be designated; and that she would welcome a Judicial Review as this would allow the opportunity to highlight her objections.

(5) The Chairman proceeded to read a statement from Ian Hasell, Chairman of the Norton St Philip Village Green Working Group, who spoke in support of the application, and raised a number of points including: the Inspector had dismissed the legal arguments put forward by the objector; witnesses report using the whole site, not just the Southern section; questioning the inspectors conclusion; and the location of the boundary line.

(6) The Chairman proceeded to read a statement from Sheila Brewis, a former Norton St Philip resident, who spoke in support of the application, and raised a number of points including: the southern area of the application site was not visible from her previous home, and as such was not the area she had referred to when giving evidence; and that the area known as the mound was in full view from her previous home.

(7) The Committee heard from Clive Abbot, representing the applicant, Norton St Philip Parish Council, who spoke in support of the application and made a number of observations including: the position of the 'line' had been agreed by both parties; the Parish Council don't agree with the inspectors view; there had been no trigger events; the evidence is decisive; the difficulty in establishing if activity is on or off a defined route; and that the Parish Council feel the whole site meets the criteria to be designated as a TVG.

(8) With the Chairman's permission the Rights of Way Officer responded to a number of the points raised by the public speakers, noting that: he believed both the land owner and the applicant agreed on the proposed location of the 'red line'; the Inspector had listened to all evidence, including where public use had taken place; that use outside of the designated area was mostly on designated paths; and how much evidence used the former mound as a reference point.

(9) The Chair reminded the Committee that the application had been subject to a Public Inquiry, and that the Committee would need to detail clear reasons should they reject the officer report.

(10) The Committee proceeded to debate during which a number of questions were asked by Members including: the importance of thoroughly considering all evidence; access to the area proposed to be designated as a TVG; details of the two planning applications submitted for the site; and the importance of the recent site visit.

(11) With the Chair's permission, the Rights of Way Officer clarified that the area the Inspector recommended be designated as a TVG could be accessed via a gated entrance.

(12) Cllr Mike Caswell proposed the recommendations as detailed in the officer report and this was seconded by Cllr Dean Ruddle.

(13) The Committee resolved in respect of application no. CLR/VG17 that the application to register land known as Shepherds Mead, Norton St Philip as a town or village green be:

i) accepted in so far as it relates to the land edged red on plan H9-18-1 and that that land be registered as town or village green; and

ii) rejected in so far as it relates to the rest of the application land.

8 Any other business of urgency – agenda item 7

There was no other business.

(The meeting closed at 16.18)

Chair, Regulation Committee