

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 16 April 2019**.

(10.00 - 11.40 am)

Present:

Members: Councillor Peter Gubbins (Chairman)

Clare Paul	Graham Middleton
Jason Baker	Paul Maxwell
Tony Capozzoli	Sylvia Seal
Anna Groskop	Angie Singleton
Mike Lock	Martin Wale
Tony Lock	Nick Weeks

Officers

Jo Boucher	Case Services Officer (Support Services)
Simon Fox	Lead Specialist (Planning)
Mike Hicks	Specialist (Development Management)
Paula Goddard	Specialist (Legal)

52. Minutes (Agenda Item 1)

The minutes of the Regulation Committees held on 15th January 2019 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

53. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillor Mike Best who was substituted by Councillor Jason Baker, Councillor David Recardo who was substituted by Councillor Paul Maxwell and Councillor Colin Winder.

54. Declarations of Interest (Agenda Item 3)

There were no Declarations of Interest.

55. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

56. Planning Application 18/02588/FUL- Jarman Way, Chard (Agenda Item 5)

Application Proposal: Land At Jarman Way Chard Somerset

The Specialist – Development Management presented the application as detailed in the agenda and with the aid of a power point presentation showed the site, indicative layout plans and photographs of the site and means of access. He advised that 35% of the dwellings would be secured for affordable housing through a section 106 agreement and that the site formed part of a previously approved scheme for 41 dwellings and a care home. In terms of updates he reported that:

- Amended plans have been submitted to make minor alterations to the materials and design of the scheme and are considered acceptable.
- An assessment report had been received from the District Valuer confirming that the scheme was only viable for affordable housing and not with the sport and leisure contributions, however since the Area West Committee the applicant has agreed to a contribution of £28,212.00 for local play provision.
- The applicant had provided evidence in relation to the marketing of the care home and there was no policy to seek to protect the land for use to a care home.
- Condition 2 be amended to update plan numbers.
- Condition 5 and 15 be updated to refer to correct outline colour on plans.
- Condition 12 be amended as the Construction Traffic Management Plan had now been agreed.

He understood the scheme was to be developed as 100% affordable housing, that there was currently no five year land supply and would provide much needed funds for the play area.

He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to approve the application subject to the conditions as set out in the agenda report with amendments to conditions 2, 5, 12 and 15 and subject to a section 106 legal agreement to ensure 35% affordable housing and financial contribution to local play area to also include a mechanism for the payment of additional contributions to be paid in the event that any of the 65% of additional affordable units are sold on the open market.

In response to questions from Members, the Specialist - Development Management and Lead Specialist – Planning advised:

- No interest had been shown to build a care home on that location in Chard regardless of the cost and value of the site.
- The plot was not allocated for employment use within the current local plan.
- Should permission be granted, assurance given that the roads be of adoptable standard.
- Guidelines have been met with regard to the proposed communal waste collection and therefore considered acceptable for this scheme.
- Somerset County Education had not requested any contributions regarding this application.
- Acknowledge the parking provision to be substandard, however the applicant has submitted a parking survey to the Highway Authority who consider it not to have a significant impact to warrant refusal of the application.
- Confirmed a care home was classed as housing development.

The Agent then addressed the committee. Some of his comments included:

- There was no demand for care home on this site.
- Planning permission had been granted for a care home six years ago and no providers had come forward.
- The Council could not demonstrate a 5 year land supply.
- Council officer's considered the design to be acceptable.
- There were no statutory consultee objections on technical grounds.
- The application was policy compliant.

During members' discussion, several comments were made including:

- Would provide much needed affordable homes cannot see any clear reasons to refuse the application on planning policy grounds.
- Statutory consultees had raised no objections.
- Should permission be granted, assurance be given that swallow and swift boxes are to be provided on site.
- Concern regarding the communal waste collection as this could increase anti social behaviour and litter problems.
- Believe the scheme to be shoehorned in.
- Will have an impact on the road system where general parking congestion in the area will be made worse.
- Site was in a poor unsustainable location with no link to the town centre.
- Noted the only reason Area West Committee minded to refuse the application was for insufficient marketing of the care home and therefore there were no policy reasons to refuse the application.
- Believe that there were no planning policy reasons to refuse the application and just 'not liking it' is not acceptable.

At the conclusion of the debate members sought clarification regarding the decision made at the Area West Committee regarding the referral to Regulation Committee.

Following a short adjournment the Senior Legal Executive advised members that after seeking advice from the Lead Specialist - Legal she confirmed that members are able to proceed to make a decision at Regulation Committee regarding this application despite the Area West Committee minutes not being approved at this stage.

It was then proposed and subsequently seconded that planning permission be approved, as per the officer's recommendation as set out in the agenda report with amendments to conditions 2,5,12,15 as already stated and condition 16 to include swift boxes.

On being put to the vote this was taken as 6 votes in favour and 7 against, therefore this proposal was lost.

Following a short debate it was then proposed and subsequently seconded to defer the application for procedural reasons as the Area West Committee minutes have not been approved at this stage.

The Senior Legal Executive reiterated to members that they are able to proceed to make a decision regarding this application despite the Area West Committee minutes not being approved at this stage. However if members are minded to defer the application it will be brought back to the Regulation Committee for determination.

On being put to the vote this was carried by 7 votes in favour and 6 against.

RESOLVED:

That Planning Application No. **18/02588/FUL** be deferred for procedural reasons as the Area West Committee minutes have not been approved at this stage.

Note: In addition Committee asked that the confidential papers made available to the Area West Committee be made available to the Regulation Committee members when the application is brought back to committee.

(voting; 7 in favour, 6 against, 0 abstentions)

57. Date of Next Meeting (Agenda Item 6)

Members noted that the next scheduled meeting of the Regulation Committee will be held on Tuesday 18 June 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

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Chairman

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Date