

## South Somerset District Council

**Minutes** of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 17 September 2019**.

(10.00 am - 12.30 pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

Jason Baker	Crispin Raikes
Tony Capozzoli	Paul Rowsell
Nick Colbert	Andy Soughton
Adam Dance	Linda Vijeh
Henry Hobhouse	Karl Gill
Sue Osborne	

**Officers**

Jo Boucher	Case Officer (Strategy & Commissioning)
Simon Fox	Lead Specialist - Development Management
Sarah Hickey	Senior Planning Lawyer
David Kenyon	Specialist (Development Management)
Andrew Gunn	Specialist (Development Management)

**Also present:**

Councillor Mike Lewis  
Councillor Robin Pailthorpe

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**80. Minutes (Agenda Item 1)**

The minutes of the Regulation Committee held on 20<sup>th</sup> August 2019 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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**81. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillor Tony Lock who was substituted by Councillor Karl Gill, Councillor William Wallace who was substituted by Councillor Nick Colbert, Councillor Colin Winder who was substituted by Councillor Linda Vijeh.

Apologies for absence were also received from Councillor David Recardo and Councillor Neil Bloomfield (Cllr Neil Bloomfield was in attendance for 19<sup>th</sup> September 2019).

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**82. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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### 83. Public Question Time (Agenda Item 4)

There were no questions from members of the public.

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### 84. Planning Application 18/01737/OUT Land South of Kithill Crewkerne (Agenda Item 5)

***Application Proposal: Outline application for residential development of up to 150 dwellings, public open space, landscaping and associated works with access from Lang Road.***

The Specialist – Development Management introduced the report and updated members that:

- A further Transportation update had been received from the agent.
- A presentation and video had been received from Crewkerne Town Council as a result of further survey work undertaken by local residents and would be shown to the committee at the appropriate time.

He then proceeded to give a detailed presentation and with the aid of slides showed the site and proposed plans. He noted there were a number of issues to consider with this outline application but explained the main issue is the highways impact of the development.

He referred to the key considerations being principle of development; Highway Safety; Landscape impact and Residential amenity. He believed this was a sustainable site on the edge of Crewkerne, a preferred option in the emerging local plan and with the Council not having a 5 year housing land supply consider this to be an acceptable proposal. He also noted a landscape assessment had been undertaken, the site was within a low flood risk zone and there had been no objections regarding ecology subject to appropriate mitigation. He also explained the layout and relationship to the existing houses would be considered at the reserve matters stage.

The Specialist - Development Management then proceeded to explain the key consideration with regard to highways. He referred to the agenda report and explained the highway authority had originally objected to the scheme for the three reasons as set out in the agenda report and clarified that the Area West Committee had also resolved to recommend refusal for two of the same reasons.

He proceeded to explain the process of the updated additional traffic survey that had been undertaken and made comparison to the survey carried out by local residents. He noted that the Highway Authority had withdrawn their objections and although access and additional traffic on Cathole Bridge Road were the main issues for local residents, the application could only be refused on highway safety or serious traffic impact in the 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.

In response to questions from Members, the Specialist – Development Management advised:

- Network Rail had been consulted, however no response has been received.
- Public consultation would be undertaken at reserve matters stage.
- Cathole Bridge Road would remain a public highway.
- All relevant roads and junctions were included in the traffic survey. The survey had been accepted by the Highway Authority.
- Understand the highway authority apply relevant data and use this as a base line figure when considering what traffic the scheme would generate and the impact in the area.

A member of the committee also highlighted that Cathole Bridge Road had a 7.5 ton limit.

Councillor Robin Pailthorpe, SSDC Ward member addressed the committee and spoke in objection to the application. His comments included:

- Believed the amount of traffic using Cathole Bridge Road was already too great and there was no way to widen it.
- The road is in constant use 24 hours a day and you cannot get from one end to the other without stopping several times with vehicles having to reverse many times.
- Crewkerne has no bypass and therefore Cathole Bridge Road is used as such.
- Road network in and around Crewkerne is inadequate and this proposal would represent a significant traffic increase on the surrounding network that would have a severe highway safety concern.
- Concern that South West trains have not commented on the application.

A video was then played for the committee showing the traffic problems that are encountered in this area.

The Committee were then addressed by representatives of the Town Council and four members of the public in opposition to the application. Their comments included:

- This application would represent a significant increase in traffic in the area which is already at capacity.
- Currently an inadequate highway network and the lack of any associated improvements to local infrastructure.
- Acknowledge the Highway Authority had withdrawn their original objection but referred to their comment that this scheme could have a severe highway concern.
- The town is already at breaking point and cannot cope with any additional increase in traffic with severe congestion already.
- The key site development should be brought forward first before any other development.
- Concern regarding the railway crossing on Cathole Bridge Road which would cause increased traffic backing up.
- Disappointed a Highways representative was not in attendance to answer any concerns raised.
- There was no satisfactory means to widen the highway.
- The road is in constant use 24 hours a day and you cannot get from one end to the other without stopping several times with vehicles having to reverse many time.
- Concern regarding the safety of school children using the road to get to the nearby school.

- The site is of great benefit of local wildlife and ecology, which will be adversely impacted.
- Crewkerne is not equipped to deal with the increased number of houses and traffic.
- Proposed junction for the development is located on a blind bend.

The Agent for the applicant said the Area West Committee's reasons for refusal were based on historic consultation response from the Highways Authority. She said that the more recent traffic survey undertaken had been considered and accepted by the Highway Authority, and with the proposed improvements to mitigate any concerns, noted that the Highways Authority had confirmed that it was now unreasonable to object on highway grounds. She said the scheme would provide much needed new homes in a sustainable location.

During members' discussion, several comments were made including:

- The Highway Authority were not taking responsibility and that members were asked to balance the need the housing and highway safety.
- There was minimal room for road improvements as the road dropped away on one side and the other bounded an existing estate.
- Would have an impact on current residential amenity.
- This development would have a huge increase in the traffic in and around Crewkerne which already has a lack of infrastructure.
- There is no employment proposed and no transport links.
- The road is a single track lane which is already wholly overloaded.
- This scheme would represent a significant traffic increase on the surrounding road network that would have a severe highway safety concern.
- The site is on great benefit to local wildlife and ecology.
- The traffic survey was not sufficient to make a full assessment on the application.
- Appreciate the highway concerns, however a balanced judgement needs to be made given the Highways Authority had withdrawn their objection.

During a further discussion, members debated the three reason for refusal as recommended by the Area West Committee.

In response the Senior Planning Lawyer advised that should members be minded to refuse the application for the three reasons stated by Area West Committee, she felt that reason No. 3 would undermine the first two reasons for refusal; that is to say if there is not sufficient information submitted to allow the LPA to make a full assessment of the impact of the proposal, it could not reach the conclusions it did in points 1 and 2.

At the request of members and for clarification the Specialist – Development Management then read out the three reasons for refusal as set out in the agenda report as follows:

1. Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015).
2. The proposal is contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015) since the increased introduction of conflicting traffic movements onto Cathole Bridge Road,

such as would be generated by the proposed development, would be prejudicial to highway safety.

3. The submitted traffic survey is not sufficient for the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

Following a short discussion, it was then proposed and subsequently seconded to refuse the application, for the first two reasons as resolved by the Area West Committee and read out as follows:

1. Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015).
2. The proposal is contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015) since the increased introduction of conflicting traffic movements onto Cathole Bridge Road, such as would be generated by the proposed development, would be prejudicial to highway safety.

On being put to the vote this was carried by 8 votes in favour, 2 against, 1 abstentions.

**RESOLVED:**

That planning application **18/01737/OUT** be refused for the following reasons:

1. Cathole Bridge Road by reason of its restricted width is considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015).
2. The proposal is contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2015) since the increased introduction of conflicting traffic movements onto Cathole Bridge Road, such as would be generated by the proposed development, would be prejudicial to highway safety.

(voting: 8 in favour, 2 against, 1 abstention)

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**85. Planning Application 19/00801/FUL Land North of Creech View Dropping Lane Bruton (Agenda Item 6)**

***Application Proposal: Demolition of existing garages and the erection of a new dwelling with carport.***

The Planning Consultant introduced the report and explained to members the reason it had been brought to Regulation Committee as the Area East Committee had recommended to approve the application contrary to the officer's recommendation where it's considered the site being in an unsustainable location. He referred to the reasons the Area East committee had resolved to approve the application as set out in the agenda report.

With the aid of slides he proceeded to show the site, proposed plans and access to the site. He highlighted to members the material consideration is the sustainability of the location and recommendation for refusal was not based on landscape, design or residential amenity.

The Planning Consultant referred to the key considerations being principle of development; remoteness from town and means of pedestrian movement to the town. He felt the site to be in an unsustainable location, sufficiently remote from the town with no street lighting or pavements to aid pedestrian movement.

He therefore concluded that after considering all of the responses and advice, as outlined in the agenda report, his proposal was to refuse the application for the reasons set out in the agenda report.

In response to a member's question the Lead Specialist explained the reason the application had been brought to the Regulation Committee, as the site is not within the defined settlement boundary of Bruton and lies with open countryside, therefore considers it contrary to the NPPF and too ensure consistency for any future applications.

Councillor Mike Lewis addressed the committee and spoke on behalf of Ward member, Councillor Lucy Trimble who was unable to attend the meeting. His comments included:

- Site lies close to Kings College, the art gallery and railway station.
- Four other houses are already situated on the site.
- This site is no further distance from the town to the development at Cuckoo Hill.
- Although in a rural location there is a footpath available and noted that the town council are looking to improve pedestrian access to increase the footfall to the nearby employer.
- Believed it was safe to walk into the town as the road is quiet of vehicles and speed limit at Dropping Lane was 30mph.
- Questioned the consistency when considering this application given similar applications in the area had been recommended for approval.
- Noted that the Area East Committee unanimously agreed to approve the application.

The applicant addressed the committee. She explained that the local neighbours frequently used the lane to walk in to the town centre and that her children walk to school in daylight hours. She said the lane was a 30mph speed limit and that it was only 200 metres to the main road and local facilities. She said the proposal would give a family member the opportunity to move back into the area.

During members' discussion, several comments were made including:

- There were four other houses adjacent to the site therefore did not consider it to be remote.
- Believed the walk from Dropping Lane into the town was a safe walk.
- Questioned the consistency when considering this application given similar applications in the area had been recommended for approval and the reason why it had been referred to the Regulation Committee.
- Noted the Town Council and Area East Committee were in support of the application.
- The distance to the town centre is no different from that of the approved scheme at Cuckoo Hill.

At the conclusion of the discussion member voiced their support of the application and proposed that it be approved for the reasons as stated by the Area East Committee.

The Planning Consultant advised members that should they be minded to approve the application he suggested the following four conditions be included:

1. The standard three year condition.
2. Accord with plans conditions including finishing materials.
3. Archaeological investigation condition as requested by South West Heritage Trust due to its close proximity of a medieval village.
4. The requirement of electric vehicle charging point as required by the Council's policy.

There being no further debate it was then proposed and seconded to approve the application for the following three reasons as stated by the Area East Committee:

1. The distance to the Town Centre is the same as other developments at Cuckoo Hill.
2. The site is not remote due to it being adjacent to 4 other properties.
3. There are safe means of pedestrian access to the Town Centre.

and the inclusion of the four conditions as previously read out by the Planning Consultant.

On being put to the vote this was carried unanimously.

**RESOLVED:**

That planning application **19/00801/FUL** be approved for the following reasons:

1. The distance to the Town Centre is the same as other developments at Cuckoo Hill.
2. The site is not remote due to it being adjacent to 4 other properties.
3. There are safe means of pedestrian access to the Town Centre.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Drawing no. 1182/1A - Site Plan;  
Drawing no. 1182/2 - Proposed ground and First Floor Plans;  
Drawing no. 1182/3 - Section and North Elevations;  
Drawing no. 1182/4 - South Elevations and Sections;  
Drawing no. 1182/5 - Side Elevations;

Drawing no. 1182/6 - Sections Through Site;  
Drawing no. 1182/7 - Proposed Roof Plan;  
Drawing no. 1182/8 -Proposed Site Plan;

and the external surfaces of the buildings shall be of materials as indicated on the submitted drawings and application form. No other external finishing materials shall be used without the prior written approval of the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme.

Reason: A pre-commencement condition is considered fundamental to enable the Local Planning Authority to ascertain any remaining archaeological evidence of a deserted medieval village at Discove, in the interests of Policy EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

4. The dwelling shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for within its associated garage hereby permitted. Thereafter the EVCP shall be maintained and retained.

Reason: To ensure provision of an EVCP for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

(voting:unanimous)

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## **86. Exclusion of Press and Public (Agenda Item 7)**

### **RESOLVED:**

that the following item be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

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## **87. Confidential Report (Agenda Item 8)**

### **Planning application 19/00064/FUL – Coat Road, Martock**

Members resolved to adjourn this item as some members of the committee had been unable to access all of the necessary papers. It was agreed that the report would be considered at a re-convened meeting to be held on Thursday 19<sup>th</sup> September 2019.



Upon re-convening the meeting at 6pm on 19<sup>th</sup> September 2019 members discussed and considered the options in the confidential report, and in particular had regard to the confidential legal opinion appended to the report.

Members acknowledged that the final decision would be taken by officers under delegated powers but indicated their view that, whilst it was to be hoped that an appeal could be avoided, the Council should not look to actively defend the reasons for refusal in the event that an appeal was submitted.

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**88. Date of Next Meeting (Agenda Item 9)**

Members noted that the next scheduled meeting of the Regulation Committee would be held on Tuesday 15<sup>th</sup> October 2019 at 10.00am.

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Chairman

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Date