

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held at the **Council Chamber - Council Offices** on **Tuesday 20 August 2019**.

(10.00 am - 12.30 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Neil Bloomfield	Crispin Raikes
Tony Capozzoli	Paul Rowsell
Henry Hobhouse	Andy Soughton
Tony Lock	Mike Stanton
Paul Maxwell	Kevin Messenger
Sue Osborne	Linda Vjeh

Also present:

Councillor Val Keitch
Councillor Mike Lewis

Officers

Jo Boucher	Case Services Officer (Support Services)
Sarah Hickey	Senior Planning Lawyer
Stephen Baimbridge	Specialist (Development Management)
Marc Dorfman	Senior Planning Adviser
Simon Fox	Lead Specialist - Development Management

67. Minutes (Agenda Item 1)

Councillor Sue Osborne requested that the signing of the minutes of the Regulation Committees held on 16th July 2019 copies of which had been circulated, be deferred as two members of the public wished to make representation on these minutes in public question time.

Councillor Linda Vjeh also believed that in anticipation of this application going to higher authority the published draft minutes are not an accurate record of the recorded transcript of the meeting that had been received by herself and interested members of the public and wished to defer from the signing of the minutes.

The committee agreed to defer the signing of the minutes in order to hear from members of the public.

Following the item Public Question Time it was agreed that the signing of the minutes of the Regulation Committee held on 16th July 2019 be deferred to a future meeting.

Councillor Neil Bloomfield also requested that an amendment be made to minute 63 (Item 6 Planning Application 19/00064/FUL) to remove his name from the second paragraph on page 6 as this was not common practice to include the name of the proposer.

68. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Councillor Jason Baker who was substituted by Councillor Paul Maxwell, Councillor Adam Dance who was substituted by Councillor Mike Stanton, Councillor David Recardo who was substituted by Councillor Kevin Messenger and Councillor Colin Winder who was substituted by Councillor Linda Vjeh.

69. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

70. Public Question Time (Agenda Item 4)

Two members of the public wished to raise several points regarding the published draft minutes of the Regulation Committee held on 16th July 2019 and some key issues they believed were omitted from these minutes. They requested that these comments be included within the minutes and are summarised as follows:

- Listed building setting - Believe that the significant Grade II* listed church was not accorded its full title and that this needs to be recognised.
- Acknowledge that there is no doubt there is going to be some harm and that housing will have an impact on the Grade II* listed church and best views of the church are as one drives to the west.
- 136 letters of objection had been sent by local residents.
- Reference to the Forge Field high court case which refer to setting of listed building.
- Ecology – lack of effort to identify whether protected species are present on site and insufficient detail for the Council to make a decision.
- Increase in car usage generated by the new development therefore contrary to SSDC Strategy for Climate Change emergency and low carbon living.
- Drainage – more detail required for the maintenance and management of the system.
- That the procedural issues of the discussion particularly in relation to the final discussion and allowing for the fairness of the debate were not fully noted.

The Senior Planning Lawyer advised the committee that it was for the members of the committee to sign off the minutes and not to be altered by members of the public. If members are minded to agree with the comments made these will be noted and the draft minutes of the 16th July 2019 be amended and re circulated to members to agree and sign off at a later date.

She wished to clarify that the minutes are not a full verbatim transcript of what happened at committee but purely a summary of the points raised and read in line with the officer's report.

The Senior Planning Advisor explained that the four key issues raised by members of the public and councillors – a) heritage asset and setting impact and design; b) drainage; c) ecology and d) traffic/highways impact were all covered in the Officer's Report and by

the Committee in its deliberations. Notwithstanding this, further detailing of the minutes could be carried out to reflect committee member concerns - but it should be noted that they are a summary of the discussion and in his opinion were sufficient to show that the Committee had properly considered and assessed the scheme.

Councillor Linda Vjeh felt that there were some key points that were not included in the draft minutes specifically to the special circumstances of this application and the procedural issues of the discussion and requested that the minutes of 16th July 2019 be deferred from signing to address these points.

The committee agreed to defer the signing of the minutes of the Regulation Committee held on 16th July 2019 to a later date in order for them to be amended and re circulated to members.

71. Planning Application 18/01602/FUL - Former BMI Site, Cumnock Road, Ansford (Agenda Item 5)

Application Proposal: Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 no. dwellings, the erection of 70 no.dwellings (total 81 no. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

The Specialist – Development Management introduced the report and explained that this application had been referred by Area East Committee with a recommendation for refusal for the following four reasons:

1. Scheme too dense.
2. Lack of on site parking.
3. Internal estate being unadoptable.
4. Insufficient number of protected trees being retained.

He then proceeded to give a detailed presentation and with the aid of slides showed the proposed site and plans. He pointed out the access to the site and listed buildings around the site.

He referred to the key considerations being principle of development; impact on listed buildings; local character; residential amenity; trees; highways and with the aid of slides gave attention to all these issues.

The Specialist – Development Management advised that the Tree Officer felt that the planting scheme provided as part of the application, was of high quality and included a high number of quality species and suggested these trees be protected by a TPO.

He explained that the parking numbers do fall below the optimum guidance of the parking strategy being between 190 – 207, and agreed that the development fell 19 spaces short of this optimum figure, however pointed out this site was close to the town centre and that the highways authority had raised no objection.

He acknowledged the issue of the estate roads being adopted but advised this was not a material consideration and was between the highway authority and the developer to agree. He noted however that if the road is un-adopted the agent has agreed to a Section 106 agreement which would require a management company to maintain the

estate road and could be subject to an Advance Payment Code (APC) which would require the development to provide a bond or payment to the highway authority to bring to an adoptable standard.

He also explained the request from the Area East Committee that should members be minded to approve the application that conditions be included for the following:

- Condition the specific boundary treatments with Beechfield House.
- Secure a stone wall in the north eastern corner of the development to prevent pedestrian access to Upper High Street.
- Adding an informative note stating the Council will instigate a Tree Preservation Order to protect all new trees planted; to replace those protected trees on the site which will be felled.

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 and Lead Specialist – Planning advised:

- No TPO trees had been removed.
- Understand that Castle Cary has exceeded the minimum housing growth target by 78%, however the current Local plan figures are now considered out of date and limited weight should be given.
- Believe that pedestrians from the site would use the access provided to the town centre and not walk around the site.
- Referred to the Tree Officer comments and gave details of the trees and shrubs to be used in what was a carefully designed landscape scheme with the future benefits in mind.
- Believe this was an excellent proposed landscape scheme and use of best practice as a move forward for climate education. The trees selected will require less maintenance although some will be required and maintained by a management company.
- Acknowledged the development would exceed the housing delivery target for Castle Cary and referring to recent planning appeals it is looked at as to whether the proposal would significantly and demonstrably harm and outweigh any benefits of the scheme
- Reiterated that if the road is un-adopted the agent has agreed to a Section 106 agreement which would require a management company to maintain the estate road along and could be subject to an Advance Payment Code (APC) which would require the development to provide a bond or payment to the highway authority to bring to an adoptable standard.

Councillor Mike Lewis, SCC Ward member was concerned that should members be minded to refuse this application the conditions currently imposed could be lost at appeal. He felt the parking provision on the site was inadequate which would have safety concerns for future occupiers adding to parked cars in what was already a difficult area of Castle Cary for parking.

In response the Specialist – Development Management advised that it would be down to the Planning inspector to decide what is reasonable and therefore a possibility that conditions could be struck.

A representative from Ansford Parish Council addressed the committee. He raised concern regarding the adoptable road standards and road safety concerns due to the sole access to the site. He believed there to be insufficient car parking spaces provided on site especially for visitors consequently increasing the parking within the site and on the surrounding roads and believed this was a fundamental design flaw in the proposed scheme.

Members of the public addressed the committee. Their comments included:

- Acknowledge the site is ideal for development but not at any price.
- Permission for 650 houses already approved in Castle Cary twice as many as recommended in the Local Plan.
- Virtually no reference made to the Neighbourhood plan that has been final for 6 months.
- Scheme too dense.
- Concern regarding non adoptable roads.
- No climate change issues taken into account.
- Lack of consultation with local residents.
- Concern regarding specific boundary treatments with Beechfield house.
- Concern regarding the lack of parking provision proposed on site with the likelihood of residents and visitors parking on surrounding roads causing severe congestion in the area.
- Highway safety concerns owing to huge increase in traffic in Castle Cary due to number of new developments in the area.
- Insufficient open space.
- Cramped development.
- Should refuse application until a suitable plan can be agreed by all parties.
- Need to ensure satisfactory drainage system within the scheme and ensure its management and maintenance.
- Proposal will increase traffic congestion within the town that is already very busy.

The agent addressed the Committee. He explained to members that the scheme needed to be viable and accords with the local plan with a reduced number of 81 dwellings.

His comments included:

- 83% optimum parking target proposed.
- Adoption of roads is not a material consideration, nonetheless the developer will endeavour to make roads to adoptable standard however provisions are in place to mitigate issues raised.
- Highway junction has already been agreed.
- Renewable energy solutions have been included in some housing design.
- The applicant is happy for the Area East Committee requested conditions to be included.
- There were no statutory objections of the application.

In conclusion he believed the scheme to be of appropriate density, using brownfield land in a sustainable location providing much needed housing and secures preservation of important listed buildings.

Councillor Henry Hobhouse, Ward member believed the parking was a fundamental issue. The lack of sufficient parking proposed on site will invite residents and visitors to

use the public right of way and park on surrounding roads causing severe congestion in the area. He also raised concern regarding the current water tank situated onsite, demolition of the pump house and current trees located within Cary Place. He said that 160 affordable houses were already approved for Castle Cary with a further 200 houses approved at the station site. He felt there wasn't the need for 11 more affordable houses, but 11 fewer houses on the site and more parking. He appreciated the need to develop this site however does not believe this current proposal to be a suitable scheme.

Councillor Kevin Messenger believed this to be the last strategic site with many other developments already approved in and around Castle Cary. He said the roads are already gridlocked, that the site was overdeveloped and densely populated. He said the unadoptable road was not acceptable which could de value these properties in the future and he did not want to kill the high street by grid locking the town.

During members' discussion, several comments were made including:

- Appreciate the concerns of the local residents and Parish Council, however cannot see any clear reasons to refuse the application on planning policy grounds and the parking can be mitigated by variation.
- Believe it is a good use of the site.
- The lack of on-site parking fails to meet the SCC Parking Strategy.
- The density of the development is too great.
- This proposal would significantly be in excess of the housing delivery target for Castle Cary to over 78%.
- The lack of sufficient parking proposed on site will invite residents and visitors to park on surrounding roads causing severe congestion in the area.
- Should be a reduction in the number of houses and include more parking provision on site.
- Inadequate onsite parking provision.
- Disappointed the developer had not addressed the concerns raised.

Following a short discussion, it was then proposed and subsequently seconded to approve the application as per the officer's recommendation, subject to the conditions as set out in the agenda report. On being put to the vote this was lost by 2 votes in favour, 10 against, 0 abstentions.

During a short debate, members discussed and suggested reasons for refusal as per the reasons stated by the Area East Committee. These included:

1. The density of the development is considered too great.
2. The lack of on-site parking failing to meet the SCC parking Strategy.
3. The fact the highway as designed within the development cannot be adopted.
4. An insufficient number of protected trees are to be retained.

In response to the suggested reasons, the Lead Specialist – Planning reminded members of the points raised and that the issue of the unadoptable road and insufficient number of protected trees was not a defensible reason in his opinion. He also requested further embellishment regarding the density of the site and lack of car parking provision to ensure that the reasons now being put forward were considered sufficiently strong or evidenced.

Following a short adjournment to allow officers and Ward members to substantiate reasons for refusal, to enable the vote, the Specialist – Development Management read out the proposed reasons for refusal as follows:

1. The development of 81 dwellings would be significantly in excess of the housing delivery target for Castle Cary and Ansford, resulting in harm to the Settlement Hierarchy and Policy SS1 which significantly and demonstrably outweighs the benefits of the scheme, contrary to policies SD1, SS1, and SS5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
2. The density of the development is considered overly cramped which impacts on the ability of the scheme to provide sufficient car parking. The development has 30 fewer parking spaces than required by the Somerset Parking Strategy contrary to Policies EQ2, EQ3 and TA6 the South Somerset Local Plan (2006-2028).

This was then proposed and subsequently seconded that planning permission be refused, contrary to the officer's recommendation for the reasons as read out by the Specialist – Development Management.

On being put to the vote this was carried by 10 votes in favour, 2 against and 0 abstentions.

RESOLVED:

That planning application **18/01602/FUL** be refused for the following reasons:

1. The development of 81 dwellings would be significantly in excess of the housing delivery target for Castle Cary and Ansford, resulting in harm to the Settlement Hierarchy and Policy SS1 which significantly and demonstrably outweighs the benefits of the scheme, contrary to policies SD1, SS1, and SS5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
2. The density of the development is considered overly cramped which impacts on the ability of the scheme to provide sufficient car parking. The development has 30 fewer parking spaces than required by the Somerset Parking Strategy contrary to Policies EQ2, EQ3 and TA6 the South Somerset Local Plan (2006-2028).

(voting: 10 in favour, 2 against, 0 abstentions)

72. Planning Application 18/01603/LBC - Former BMI Site, Cumnock Road, Ansford (Agenda Item 6)

Application Proposal: Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 no. dwellings, the erection of 70 no. dwellings (total 81 no. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

The Specialist – Development Management gave a brief presentation of the application. He advised members that given there is no permission in place for residential use of the site, the conversion of the buildings or demolition of the pump house it may be unjustified and not provide any benefits or viable re-use of these buildings.

He confirmed that his recommendation formally stands for approval as set out in the agenda report but wished that members be updated given the decision made regarding the full application 18/01602/FUL.

During a short debate the Specialist – Development Management and Lead Specialist sought clarification regarding reasons for refusal and if members were minded to refuse the application suggested the following wording:

‘The demolition of and intervention into the listed buildings, including demolition, to facilitate the conversion of the listed factory building and warehouse, is harmful. Given there is no permission granted for their conversion, the harm is unjustified, and is contrary to policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.’

This was then proposed and subsequently seconded that planning permission be refused, contrary to the officer’s recommendation for the reasons as read out by the Specialist – Development Management.

On being put to the vote this was carried by 10 votes in favour, 2 against and 0 abstentions.

RESOLVED:

That planning application **18/01603/LBC** be refused for the following reason:

1. The demolition of and intervention into the listed buildings, including demolition, to facilitate the conversion of the listed factory building and warehouse, is harmful. Given there is no permission granted for their conversion, the harm is unjustified, and is contrary to policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

(voting: 10 in favour, 2 against, 0 abstentions)

73. Date of Next Meeting (Agenda Item 7)

Members noted that the next scheduled meeting of the Regulation Committee will be held on Tuesday 17th September 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