

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Caryford Community Hall, Maggs Lane, Castle Cary** on **Tuesday 31 March 2015**.

(6.30 - 8.27 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Beech	Tim Inglefield
John Calvert	Mike Lewis
Tony Capozzoli	Lucy Wallace
Nick Colbert	William Wallace
Anna Groskop	Colin Winder
Henry Hobhouse	

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East) / Assistant Director (Communities)
Lee Walton	Planning Officer
Angela Watson	Legal Services Manager

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

200. Apologies for absence (Agenda Item 1)

There were no apologies for absence.

201. Declarations of Interest (Agenda Item 2)

Cllr Nick Weeks declared a Personal & Prejudicial interest in Planning Application 14/04031/OUT, he would make his representation as a Ward Member and be available for any questions before the main debate, he would then leave the room during debate and voting.

202. Public Participation at Committees (Agenda Item 3)

There were no questions from members of the public.

203. Chairman Announcements (Agenda Item 4)

Cllr Nick Weeks reminded members that the next AEC meeting would be held at Ansford Academy next Wednesday 8th April at 10.00am.

He also reminded members that due to the run up to the local and Parliamentary elections in May, SSDC were now in purdah.

Cllr Nick Weeks stepped down as chairman of this meeting due to his previously stated declaration of interest.

Cllr Mike Lewis took the position of chairman for this meeting and it was unanimously agreed that Cllr Anna Groskop be appointed to act as Vice Chairman.

204. Date of Next Meeting (Agenda Item 5)

Members noted that the date of the next scheduled meeting of the Area East Committee would take place on Wednesday 8th April at Ansford Academy, Ansford, Castle Cary at 10.00am.

205. Schedule of Planning Applications to be Determined by Committee (Agenda Item 6)

NOTED

206. Planning Application 14/04031/OUT Land adj Foxes Run Off Brookfield and Mill Lane Castle Cary (Agenda Item 7)

Cllr Mike Lewis took his place as the Chairman for this meeting.

Cllr Nick Weeks reiterated the Personal & Prejudicial interest in Planning Application 14/04031/OUT, he would make his representation as a Ward Member and be available for any questions before the main debate, and he would then leave the room during debate and voting.

The Planning Officer presented the application as detailed in the agenda; he stated that since writing his report, the following updates had been received:

- Two neighbour observations that raised concerns over the proposed changes to the road system which would have a detrimental impact on local children playing and living in the vicinity;
- Yarlington Housing Group had indicated that the proposed pedestrian linkage to Remalard Court would not be wide enough to include a cycle way;
- Landscape concerns regarding the cramped plots and layout, but members were advised that this application was currently only illustrative;
- A request from the applicant that the application should be deferred due to the uncertainty regarding highway safety and the lack of a highway audit;

With the aid of a power point presentation the officer showed an aerial view of the site; an illustrative layout of the engineering required for the revised vehicular network; proposed traffic signage should the TRO (Traffic Regulation Order) be put in place, photographs of the roads and narrow lanes in the vicinity of the application site.

The officer highlighted what he felt were the key considerations:

- Principle of Development

- Background to this application
- Remalard Court Pedestrian Link
- Mill Lane Access
- Design, Density and Impact on Residential Amenity
- Impact on Conservation Area
- Drainage
- Play Provision
- Ecology
- Planning Obligations and Viability
- Planning Balancing Exercise

He confirmed that as there was no Highway Authority support to refuse the application, and in the light of the recent appeal decision he had no alternative other than to recommend approval as detailed in full in the agenda report; however members may wish to consider the changes regarding the financial contributions since the last application and whether the reduction in benefits and the resulting pressures on services would undermine the community's interest in supporting the application.

The Area Lead East addressed the committee and explained that the applicant had requested that consideration of the application be deferred due to the issue of a Highway Safety Audit (as identified by the SSDC Highway Officer) and the subsequent doubts raised about a TRO. The officer explained that SCC had not drawn the planning officer's attention to the issue and no Highway Officer had been available to attend the meeting in order to explain further. He also confirmed that Highways would not carry out a cumulative assessment of the area as they did not consider it necessary for this application of 29 dwellings, although they were aware that there were further applications in the pipe line for more development in the vicinity.

Discussion then ensued regarding the issue of deferring consideration of the planning application: there was some concern that if it was deferred the applicant could appeal against non- determination; and if that was the case would the Appeal Inspector then consider the issue of the safety audit and TRO and changes to the public highway? The proposed link to Remalard Court would be unsuitable for cyclists and wheel chair users due to the steep incline and would in all probability not be adopted.

In response the Area Lead East explained that if an appeal against non-determination was lodged AEC members would be given the opportunity to give their response before any hearing. A Highway Safety Audit would include the introduction of the proposed one way system down Mill Lane and the traffic flow from the junctions. There would be concern if there was not a link to Remalard Court as that was a requirement

It was ascertained that neither the applicant nor the agent were in attendance at the meeting. It was subsequently proposed and seconded to determine the application today. On being put to the vote the motion was carried by 11 votes in favour and 1 against.

The committee were then addressed by Ms P Peppin, J King, S Costello, Mr B Joy, Mrs J Joy, Mrs S Scott, A Jayne, Ms T Levy, L Johnson on behalf of Dr L Thomas, Mr B Doggrell, Mr B Downton, Mr J Cole, Mr M Bainbridge, Mrs S Lane, Mr B Lane, Mr R Angell and Ms V Nobles in opposition to the application. Their comments included:

- Local residents were opposed to opening Brookfields into a through road, it had been adopted as a cul de sac and should remain as such;
- The situation from 2 years ago had changed as SSDC now had a Local plan which did not include Foxes Run;

- There was an emerging Neighbourhood Plan and the Town Council policy document suggested phased development;
- The archaeology of Castle Cary would be in jeopardy if this site was developed;
- Sat Nav's would more than likely send HGV's down the cul de sac;
- Could money from S106 obligations be used to help parking issues?
- Unsure how site workers would navigate their vehicles into and out of the development via the narrow lanes;
- Where were the drawings that had been submitted to SCC Highways when Mill Lane had been surveyed during the 2008 application and appeal?
- Roads in the vicinity were too narrow;
- The proposal would have a huge impact on residents of Bridgwater Buildings;
- Foxes Run was currently a wildlife corridor;
- Changing weather patterns meant the flood risk assessment carried out in 2006 was out dated the site had been very waterlogged in 2014;
- Millbrook Gardens was home to vulnerable residents and there would be an impact on their safety if it was allowed to be opened up;
- Concerned local residents felt let down by the lack of a Highway Officer's attendance at the meeting;
- There was no economic gain from this application, it would not be sustainable and was not applicable development to the Local plan;
- Appropriate sustainable housing was needed;
- The cumulative impact of all the pending planning applications should be considered as well as a TRO.

In response to a query regarding the apparent loss of £30,000 from the previous planning application as detailed in an E mail, it was confirmed that the applicant had now agreed to pay the amount direct to YHG towards land for parking

In response to queries the Area Lead East replied that there was nothing on the submitted plan to show restricted parking; the Foxes Run site was an allocated site in the new Local plan ref: HG/CACA/2, the suggestion that there may be an unexploded bomb on the site was not a planning issue and would be an unusual issue outside of London. The appeal Inspector had not dealt with highways issues as SCC Highways had raised no objections and none had been included in AEC's previous reasons for refusal

Ward Member Cllr Henry Hobhouse urged members to refuse the application as it was clear that local residents were very concerned about the impact the development would have on their daily lives.

Ward Member Cllr Nick Weeks was concerned that the promised footpath may not meet the needs of all users due to the gradient, the new road system could be included in Sat Nav systems and Mill Lane was too narrow to be used as a through-road, he urged members to refuse the application.

Cllr Weeks then left the meeting.

During discussion, the majority of members expressed their opposition to the application and raised several issues some of which included:

- Concerned about the safety of local children once the existing road network was opened up;
- If a dwelling was bought as part of a cul de sac, one would expect it to remain a cul de sac;

- There would be a detrimental impact on the quality of life, particularly for residents of Mill Lane;
- Concerned about the reduction to S106 contributions;
- Concerned that as there had not been a Highway Safety Audit AEC members would not have heard all of the relevant evidence;
- Felt that even with a TRO in place Mill Lane may not be any safer.

The Legal Services Manager explained that the Development Control Manager had considered whether the application should be referred to Regulation Committee but had not thought it appropriate in this instance. If Members were inclined to refuse the application they should be clear of the reasons used: as Highways had still not objected to the application, other evidence would be required in order to be able to defend that reason if used. There was a risk of costs being awarded against the Council should any reason prove difficult to substantiate at appeal. She also advised that there was still an option to approve the application subject to a TRO and a Grampian condition could be included regarding that. She confirmed that the applicant or agent did not need to attend the meeting as their responses had been included in the planning report.

In general, the view was that it had not been satisfactorily demonstrated that the proposed access arrangements, including the changed priority in Mill Lane, together with the associated turning restrictions and priority access arrangements, and the necessary TRO's could be achieved. In the absence of such certainty the proposal, by reason of the access layout, changed priority in Mill Lane, increased traffic flow in Brookfields, associated vehicular restrictions, road widths, alignments and junction layout, would not secure a safe and convenient access for all. Members considered that the proposal would have a severe impact on highways safety and the proposed footpath to Remalard Court would not create a safe and convenient access that would reasonably meet the needs of all users due to its gradient and layout. It was proposed and seconded to refuse the application for the reasons above. On being put to the vote the motion was carried by 10 votes in favour and 1 abstention.

RESOLVED: That Planning Application 14/04031/OUT be refused contrary to the officer's recommendation:-

1. It has not been satisfactorily demonstrated that the proposed access arrangements, including the changed priority in Mill Lane, together with the associated turning restrictions and priority access arrangements, and the necessary Traffic Regulation Order(s) can be achieved. In the absence of such certainty the proposal, by reason of the access layout, changed priority in Mill Lane, increased traffic flow in Brookfields, associated vehicular restrictions, road widths, alignments and junction layout, would not secure a safe and convenient access for all. As such it is considered that the proposal would have a severe impact on highways safety and is therefore contrary to policy TA5 of the South Somerset Local Plan 2006-2028, saved policy HG/CACA/2 of the South Somerset Local Plan 2006 and the policies contained within the National Planning Policy Framework, in particular paragraph 32.

2. The proposed footpath to Remelard Court would, by reason of its gradient and layout, not create a safe and convenient access that would reasonably meet the needs of all users. As such the proposal is contrary to policy TA5 of the South Somerset Local Plan 2006-2028, saved policy HG/CACA/2 of the South Somerset Local Plan 2006 and the policies contained within the National Planning Policy Framework, in particular paragraph 32.

(Voting: 10 in favour:1 abstention)

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Chairman