

South Somerset District Council

Minutes of a meeting of the **Regulation (Informal) Committee** held by **Video-conference** via **Zoom meeting software** . on **Tuesday 21 April 2020**.

(10.00 am - 2.20 pm)

Present:

Members: Councillor Peter Gubbins (Chairman)

Neil Bloomfield	Crispin Raikes
Malcolm Cavill	David Recardo
Adam Dance	Paul Rowsell
Tony Lock	Andy Soughton
Paul Maxwell	Linda Vijeh
Sue Osborne	William Wallace

Also present:

Oliver Patrick (Ward Councillor)

Officers:

Martin Woods	Director (Place)
Simon Fox	Lead Specialist - Development Management
Sarah Hickey	Senior Planning Lawyer
Richard Ward	Monitoring Officer
Netta Meadows	Director (Service Delivery)
Stephen Baimbridge	Specialist (Development Management)
Colin Begeman	Agency Planner
David Kenyon	Planning Consultant
Alex Skidmore	Specialist - Development Management
Jessica Power	Specialist (I.T.)
Cara Cheshire	Case Officer (Strategy and Commissioning)
Becky Sanders	Case Officer (Strategy & Commissioning)
Angela Cox	Specialist - Democratic Services

1. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Jason Baker, Henry Hobhouse and Hayward Burt (Ward Member). It was noted that Councillor Paul Maxwell was attending as substitute for Councillor Jason Baker.

2. Declarations of Interest (Agenda Item 2)

Councillors Linda Vijeh and Councillor William Wallace both declared a personal and prejudicial interest in Agenda item 5: Planning Application 19/00273/OUT - Bay Tree Farm, Claycastle, Haselbury Plucknett as the applicant was known to them as a fellow County Councillor. They confirmed that they would take no part in the debate or voting on this item.

Councillor Neil Bloomfield declared a personal interest in Agenda item 5: Planning Application 19/00273/OUT - Bay Tree Farm Claycastle Haselbury Plucknett as the applicant had requested his opinion on the site approximately 3 years previously and was also known to him as a fellow County Councillor. However, he did not feel that his interest was prejudicial.

Councillor Sue Osborne declared a personal interest in Agenda item 5: Planning Application 19/00273/OUT - Bay Tree Farm Claycastle Haselbury Plucknett as the applicant was known to her although she said they did not socialise together and she did not feel that the interest was prejudicial.

3. Public Question Time (Agenda Item 3)

There were no questions from members of the public.

4. Schedule of planning applications to be considered (Agenda Item 4)

The Chairman explained the procedure to be followed during the meeting, the order of public speakers and that voting would be taken by a named vote. He reminded all that the meeting was a consultative meeting, as agreed at Council on 19th March and the recommendations of the Committee would be communicated to the Chief Executive for final confirmation.

The schedule of planning applications was NOTED.

5. Planning Application 19/00273/OUT - Bay Tree Farm Claycastle Haselbury Plucknett (Agenda Item 5)

Proposal: Outline application for the development of up to 35 dwellings with all matters reserved except access including the demolition of the existing building and highways works to Claycastle

The Development Management Specialist introduced the report and advised that one further neighbour comment had been received questioning the surface water flooding at the site. She further noted that another application for 34 dwellings and a village hall at another site in the village had been received since this was submitted and that a legal opinion had been received which argued that the two applications should be determined at the same time. The legal opinion also mentioned inadequacy of the submitted information and prematurity relating to the Local Plan and possible change in village hierarchy.

The Legal Specialist said the legal opinion had raised a number of points; it argued that this application be deferred to allow the Manor Farm application to be ready to be determined so the cumulative impacts of the 2 applications could be considered together. She said that she did not see that there was legal reason sufficient to withstand challenge to defer the determination of this application to wait on the Manor Farm application to be ready to be determined. She confirmed that each application should be considered in accordance with the policies of the Local Plan at that time on its merits taking into account all the responses from the statutory consultees, (highways, planning

policy) and other material considerations. She confirmed that, as far as she was aware, the Local Plan did not contain a policy which would prevent the current application being considered now and the Manor Farm application coming forward at a later stage; based on the principle of fairness and justice the Courts had accepted where there were 2 similar applications being heard then the application first submitted and ready shall be the first to be determined. She confirmed that the Regulation Committee were not bound to follow a decision of a previous Area Committee which resolved to defer a matter it was considering. If the members felt there was insufficient information provided in respect of this application to make the decision then they should seek provision of the information but she cautioned against deferral for information that would not be material to the decision making process. She confirmed that it was not considered that any prematurity argument would be upheld on appeal.

The Development Management Specialist confirmed the village was listed as a rural settlement in the Local Plan with some local services. She outlined the site with an indicative layout of the proposed housing and the proposed widening to the access lane to improve visibility. Improvements to local footpaths adjacent to the site would assist access to the village. She noted there was some surface water flooding risk across the site although the Lead Flood Authority had not raised any objections. A local resident had submitted photographs which detailed local flooding on Claycastle and Stoneage Lane as well as the poor nature of Claycastle in terms of its width and layout. She noted that a local resident had submitted their own highway report which had been forwarded to the Highway Authority for consideration. The Officer read out to Committee the Highway Authority's comments received that morning which concluded that they did not object to application. She confirmed her recommendation remained to grant permission subject to conditions.

Additionally the Development Management Specialist advised the Committee that in response to Drainage reports and Ecology information provided by third parties the relevant Consultees for these matters had been asked to review this information but both the Lead Local Flood Authority and Council's Ecologist continued to raise no objection to the scheme. The latest comments received from the Lead local Flood Authority were read out in full by the Officer.

In response to questions from Members, the Development Management Specialist and Legal Specialist confirmed:-

- There was no reason sufficiently strong enough to withstand challenge to defer the application because there was another development site proposed within the village. If it were deferred then Members should be aware the applicant had the right to seek non-determination of the application.
- The Haselbury Plucknett Village Plan was dated 2014 and because of its age only limited weight could be given to it.
- Haselbury Plucknett was listed as a rural settlement in the Local Plan and as such did not have a development area.
- The Council's Ecologist had not raised any objection to the application and had mitigated ecology in the conditions of approval.
- The local education authority had not requested any contribution towards education from the development in the Section 106 obligation.
- Any water run off from the site would be accommodated through a sustainable urban drainage scheme (SUDS) and the proposed attenuation pond at the Reserved Matters application.

- The proposed fencing/barrier along Small Brook would be part of the Reserved Matters application.
- Landscape settlement character was a subjective matter of opinion.

The Ward Member, Councillor Oliver Patrick, advised that the development represented a sizeable expansion into open countryside, it did not respect local distinctiveness and bordered the neighbouring parish. The access road to the site could not give adequate access to the village for pedestrians resulting in over-reliance on cars and the surface water flooding at Claycastle was regular during the winter months. He concluded that houses had been constructed in rural settlements far in excess of those anticipated within the Council's Local Plan and if the development went ahead, together with the one proposed at Manor Farm, it would represent a 23% increase in housing in the village. He asked that permission be refused for these reasons.

The Committee were then addressed by a representative of the Parish Council who said that 124 local residents had attended a parish meeting to discuss the application and none were in favour of it. The application had 213 letters of objection and none supporting it whereas the site at Manor Farm had widespread support. The Village Plan supported small scale development, infill and conversion. He said there had been no robust consultation or housing need identified and the development would have a significantly detrimental impact on the village.

The Committee were then addressed by 5 local residents whose comments included:-

- A highway audit was carried out by local professionally qualified residents and concluded the access road was narrow, presented safety problems to pedestrians and was prone to flooding. Additional traffic would increase the danger. The Highway Authority's proposed conditions of approval could not be achieved. The footpath was not a viable route to the village.
- An ecology report produced by a local expert said that local wildlife including deer, badgers, foxes and bats all used the site for feeding and dormice were found at the edge of the site, which were protected. Small brook bordered the site and provided further evidence of water voles presence which were also a protected species. Their food source could be at risk of pollution from water run-off from the site. Mitigation measures would not compensate for their loss of habitat. The application was contrary to several policies of the Local Plan.
- A qualified hydrologist spoke regarding flood risk in the area. He said that the site was not near a main river but Small brook flooded regularly across the site. He said the Flood Risk Assessment had not taken account of water run off from the adjacent road and the proposed storage pond did not take account of any additional flood water flowing onto the site.
- A representative of the CPRE said they had serious concerns regarding landscape harm, ribbon development, harm to the heritage of a listed building and the emerging SSDC Local Plan. He said the site was not commensurate with the village character, which was linear. The emerging Local Plan did not list the village as a rural settlement for sustainable development but as countryside not for development.
- A planning lawyer advised that limited information given regarding Small brook and the drainage from the site were a reserved matter so Members did not have the full information before them. He said the alternative site at Manor Farm was preferable as it was a brownfield site and it was a material consideration. A recent parish meeting found no support for the scheme and there was a more suitable scheme elsewhere.

A drainage engineer, on behalf of the applicant, advised that the whole of the site was in flood zone 1 and so at the lowest risk of fluvial flooding and so not requiring a sequential test. A 3D model of the ground levels across the site showed overland surface water flooding but flooding to the south would not enter the site but would flow east. Video footage of Stonage Lane during flooding supported this. Soakaways were a viable surface water disposal route for the site. Surface water would be attenuated by a controlled discharge so improving water quality and maintaining biodiversity.

The agent for the applicant said 12 of the proposed 35 houses would be affordable for the younger members of the community. He said there was an identified housing need in the district and new rural housing would help to maintain the vitality of local facilities and the community. The villages of the district needed housing in the right place and the professional consultees and recommending officer had no objections to the application. Housing was not being delivered at the target rate in the Local Plan and this site would provide good family housing.

During a short debate, Members felt there were a number of concerns which had not been addressed regarding drainage and noted that the Local Lead Flood Authority had initially expressed concerns regarding the development. It was also noted that the site was surrounded by rising land and there were no pavement routes planned to the village facilities, despite the planned road improvements. Also that the site encroached into open countryside.

Councillor Paul Maxwell said he had a number of policy concerns regarding the application and proposed that it be refused permission for the following reasons:-

1. Landscape – the proposal did not follow the existing linear pattern of development within the village but protruded into the open countryside
2. Drainage and flooding – there was insufficient information to show the development would be protected against future flooding.
3. Highways – the approach roads were not appropriate for vehicles or pedestrians and the level of traffic generated would bring traffic conflict.
4. Ecology – there was a lack of information to ensure protected species and biodiversity would be appropriately safeguarded.

This was seconded by Councillor Adam Dance.

The meeting was then adjourned for 5 minutes whilst the officers and Councillors Paul Maxwell and Adam Dance discussed the proposed reasons to refuse the application.

The meeting was reconvened and the proposal to refuse permission for the following reasons was put to the vote and was carried by 10 votes in favour, 0 against and 0 abstentions.

RESOLVED: That members of the Regulation Committee recommend to the Chief Executive that planning application 19/00273/OUT be REFUSED permission for the following reasons:

1. The development, by reason of its siting, scale and protrusion into the open countryside, will result in an incongruous massing of built form that fails to relate positively to the predominantly linear pattern of development and rural character of this edge of settlement locality. The development will have a visually intrusive presence within the

local landscape and result in an unacceptable level of harm on the local landscape character and distinctiveness of the area that would not be outweighed by the benefits of the scheme. The proposal is therefore contrary to the aims and objectives of policies SD1 and EQ2 of the SSLP (2006-2028) and the provisions of the National Planning Policy Framework.

2. It has not been adequately demonstrated that the development is capable of being served by a suitable drainage scheme that would appropriately safeguard future residents of the proposed development from the risks of flooding or prevent any increased risk of flooding to existing local residents contrary to the requirements of policy EQ1 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.
3. The approach roads to the site are considered to be substandard, due to their restricted width and poor alignment, and to be unsuitable to serve as a means of access for a development of this scale and nature which is likely to generate significant levels of traffic and cause increased disruption to the local highway network and bring different road users into increased conflict, to the detriment of highway safety contrary to the aims and objectives of policy TA5 of the South Somerset Local Plan (2006-2028) and the provision of the National Planning Policy Framework.
4. Insufficient information has been provided to determine what the proposal's ecological impact would be and whether the development would appropriately safeguard protected species and mitigate against its impact upon biodiversity. The proposal would therefore be contrary to the aims and objectives of policy EQ4 of the South Somerset Local Plan (2006-2028) and Chapter 15 of the National Planning Policy Framework.

*(Voting: 10 in favour, 0 against, 0 abstentions)**

*Note: Councillors Vijeh and Wallace did not vote on this application.

6. Planning Application 19/01604/OUT - Land at Coombe Farm Os Plots 4300 Part And 4613 Part West Street Templecombe (Agenda Item 6)

Proposal: Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage and new vehicle access from West Street, Templecombe BA8 0LG

The Planning Consultant introduced the report and advised that the site was approximately 2.5ha of greenfield land on the western edge of Templecombe. Access to the site from the A357 would be through Vine Street, Westcombe and West Street. The site was adjacent to a residential estate and permission had already been granted for 4 new dwellings at Coombe Farm to the West of the site. The existing field access would be widened to be the main access which was the main consideration as all other matters would be subject to a reserved matters application.

The Planning Consultant also advised that the existing hedge boundary would be retained with a pavement to link the development to the village centre. He noted the narrow access along Vine Street which was a one way street and the on-street parking further along the road. He drew Members attention to an existing permission for 70 dwellings at Slades Hill and also 19 dwellings at Throop Road, Templecombe. He said that there were over 30 objections to the application and none in support. He drew Members attention to the housing land supply, the accessibility and highway safety. In respect of the latter, he read out a statement prepared by the County Highway Authority clarifying its reasoning behind its recommendation of no highways objection. He concluded that on balance the conflict with the development plan was not sufficient to significantly and demonstrably outweigh the significant and moderate weights that were given to the benefits of the proposal, therefore his recommendation was to approve the application. He mentioned a recent appeal at Henstridge which had been allowed in a rural settlement in 2018 which he asked Members to consider.

In response to questions from Members, the Planning Consultant advised:-

- The Council only had a 4 ½ year housing land supply so presumption was in favour of development and the application had more benefits than drawbacks.
- Until a development with planning permission was considered “deliverable” it was not counted towards the Council’s 5 year housing land supply. Information on the calculation of this would be circulated to Councillors.
- Part of Vine Street was a one-way street.
- The 289 new houses proposed for the village did not include the 80 proposed at Manor Farm as that application had not been determined yet.

The Committee were then addressed by a representative of the Parish Council who said that a local employer who employed 700 to 750 people were represented as a major local employer but in the Templecombe BA postcode area they were not a major employer. The Parish Council did not support any part of the application and the developer had not engaged with them at all. The Slades Hill site had not been fully delivered and further development should not be approved until it had. The scale and size of the proposal and the access to the site were a concern to the Parish Council and pavements should be provided in the area. The cumulative impacts of developments in the area should be taken into account as they represented a 50% growth in the village since 2011. The local services were inadequate to support the people which the development would bring.

The Committee were then addressed by 4 local residents whose comments included:-

- Part of West Street was a single track lane with no pavements and high hedges and also Bowden Road had no pavement and additional traffic would be a hazard to pedestrians.
- The access road out of West Street was very narrow and there was concern at creating a bottleneck unless traffic went down Westcombe. The new development at Collingwood Road had already created extra traffic in the area which was hazardous. The lack of pavements in the area was a concern and emergency vehicles could get stuck.
- The presumption in favour of development balanced against policies was a concern as the permissions being granted were not counting towards the Council’s 5 year housing land supply. There were 1,400 homes in the area with permission which currently did not count towards this target and the Henstridge

application was an example of this. Some traffic data provided was inconsistent as there had been 3 traffic fatalities in the area recently.

- Access to the proposed development would use Vine Street and West Street to avoid the narrow part of the road at West Street. 49 houses would bring 80 to 100 additional cars, vans or motorbikes plus delivery vehicles. Vine Street was acutely narrow at 2.3m and speed was already an issue in this area. Pedestrians, cyclists and horse riders used the road regularly in the wrong direction.

The Transport Planning Consultant for the applicant advised that the village had better transport links than most villages with bus and rail links to local employers. Therefore, sustainable commuting was substantially higher than most villages. A travel plan had been agreed to promote sustainable travel from the development. The Highway Authority had accepted their transport statement and only 25 vehicle movements were predicted during peak hours over the 3 routes in the area. None of the local streets had any injury accidents recorded and there were no reasonable grounds to refuse the application on highway matters.

The Agent for the applicant said there were no technical objections from statutory consultees and so the site was suitable for residential development and deliverable in the short term. Templecombe was a highly sustainable settlement capable of accommodating a higher level of growth than other rural areas without significant harm to the area. There was excellent road and rail connectivity and employment opportunities in the area. The development would deliver benefits such as CIL payments and contributions towards education, community and sports projects and provide local housing opportunities and increase spending in the local economy. The site could be delivered without significant issues and he asked that outline permission be granted.

The Ward Member, Councillor William Wallace, advised that he spoke also on behalf of Councillor Hayward Burt, who was unable to attend the meeting. He said that emphasis had been made on the Henstridge appeal but he felt that site was very different in location to this. He said the application should be refused for a number of policy areas from the SSDC Local Plan. The site had previously had two applications for housing and both had been rejected at appeal and the parish already had an additional 154 houses. He said policy SS2 said the development should be commensurate with the scale and character of the settlement but it did not meet an identified housing need or provide employment opportunities or on-site services. Further, it did not have local support and there had been very little local engagement. He said Policy SS5 set out housing targets for 14 settlements but Templecombe was not included and as a rural settlement, it should be treated as open countryside. The level of growth was for a rural centre and not a rural settlement. The lack of a 5 year housing land supply should not be used as a reason in favour of granting permission. He concluded by proposing that the application be refused permission for the reasons stated. This was seconded by Councillor Paul Rowsell.

During discussion, the following comments were made;

- The affordable housing element of a development was often promised then asked to be removed by developers as it was considered unviable.
- If approved, there would be 289 new houses in the village, making it a rural centre in the Local Plan and if a further 80 were approved at Manor Farm it would be classed as a market town.

- Not all of the roads in the local area were narrow and some of the issues raised could be dealt with at the Reserved Matters application. The location looked to be sustainable.

The meeting was then adjourned for 5 minutes whilst the officers and Councillors William Wallace and Paul Rowsell discussed the proposed reasons to refuse the application.

The meeting was reconvened and the Legal Specialist cautioned Members that the first reason to refuse the application was very similar to that put forward for the Coat Road, Martock application the previous year upon which Counsel advice had been taken. She said a planning inspector would consider whether 49 dwellings would result in the distortion of the settlement hierarchy and also there needed to be evidence within the reason of the actual harm in land use terms or consequences for the performance of the Local Plan being in conflict with the policies. She felt the stated reason for refusal was not sufficient on its own and she asked Members to consider this in the first reason of refusal. She further advised that the second proposed reason to refuse the application was not supported by the statutory consultee, and, although there were local issues regarding highways, the reason for refusal came with the usual warnings members would expect.

The Chairman reminded Members of the Coat Road, Martock planning appeal which had been discussed by them in September 2019.

The proposal to refuse permission for the following reasons was put to the vote and was carried by 7 votes in favour, 5 against and 0 abstentions.

1. Templecombe is defined as a rural settlement and, as such, Policy SS2 of the South Somerset Local Plan (2006-2028) is a material consideration in the determination of this proposed development. It is considered that the numbers of dwellings proposed, taken cumulatively with other dwellings in Templecombe completed or with permissions within the Plan period (2006-2028), would result in a level of growth commensurate with the higher tier of Rural Centres. This would be inconsistent with the distribution of development as set out within the Rural Settlements tier in Policy SS5 of the Local Plan. Overall, the proposal would not accord with Policy SS2 and, on this basis, would not accord with Policies SS1 and SS5 of the Local Plan. Whilst the Council acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), and thus paragraph 11 d) of the NPPF is a material consideration, nevertheless the Council is of the opinion that the adverse impacts that would result from the granting of permission for this proposed development would, for the reasons set out above, significantly and demonstrably outweigh the benefits of the proposal.

2. The development would result in an increase in traffic along narrow approach roads, including certain sections with no pavements and poor visibility. This would prejudice the safety of highway users both on foot and cycle. As such the proposed development would be contrary to the aims set out in Policy TA5ii of the South Somerset Local Plan (2006-2028) and provisions of the National Planning Policy Framework.

RESOLVED: That members of the Regulation Committee recommend to the Chief Executive that planning application 19/01604/OUT be REFUSED permission for the following reasons:

1. Templecombe is defined as a rural settlement and, as such, Policy SS2 of the South Somerset Local Plan (2006-2028) is a material consideration in the determination of this proposed development. It is considered that the numbers of dwellings proposed, taken cumulatively with other dwellings in Templecombe completed or with permissions within the Plan period (2006-2028), would result in a level of growth commensurate with the higher tier of Rural Centres. This would be inconsistent with the distribution of development as set out within the Rural Settlements tier in Policy SS5 of the Local Plan. Overall, the proposal would not accord with Policy SS2 and, on this basis, would not accord with Policies SS1 and SS5 of the Local Plan. Whilst the Council acknowledges that it cannot currently demonstrate a 5 year supply of deliverable housing sites as required by the National Planning Policy Framework (NPPF), and thus paragraph 11 d) of the NPPF is a material consideration, nevertheless the Council is of the opinion that the adverse impacts that would result from the granting of permission for this proposed development would, for the reasons set out above, significantly and demonstrably outweigh the benefits of the proposal.

2. The development would result in an increase in traffic along narrow approach roads, including certain sections with no pavements and poor visibility. This would prejudice the safety of highway users both on foot and cycle. As such the proposed development would be contrary to the aims set out in Policy TA5ii of the South Somerset Local Plan (2006-2028) and provisions of the National Planning Policy Framework.

(Voting: 7 in favour, 5 against, 0 abstentions)

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Chairman

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Date