

South Somerset District Council

Minutes of a meeting of the **Area East (Informal)** held by video-conference using Zoom meeting software **on Wednesday 18 May 2022.**

(9.00 am - 12.30 pm)

Present:

Members: Councillor Henry Hobhouse (Chairman)

Robin Bastable
Tony Capozzoli
Sarah Dyke
Mike Lewis
Kevin Messenger

Paul Rowsell
Lucy Trimnell
William Wallace
Colin Winder



Officers:

David Kenyon
Paula Goddard
Michelle Mainwaring
Jo Boucher

Planning Specialist
Specialist (Legal Services)
Case Officer (Strategy & Support Services)
Case Officer (Strategy & Support Services)

Also Present:

John Keane
Jen Nixon
Adam Garland

Viability Assessor (Thomas Teague)
Heritage Consultant
Highways Officer (SCC)

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

104. Apologies for Absence (Agenda Item 1)

Apologies for absence were received from Councillors Charlie Hull and Hayward Burt.

105. Declarations of Interest (Agenda Item 2)

There were no declarations of interest.

106. Date of next Meeting (Agenda Item 3)

Members noted the date of the next meeting would be the 8th June 2022 at 10am and would be a virtual meeting.

107. Public Question Time (Agenda Item 4)

There were no questions from members of the public present.

108. Schedule of Planning Applications (Agenda Item 5)

In response to a query regarding road safety by Councillor Colin Winder, The chairman advised that he raise his issues with the new councillor for Wincanton and Bruton division.

Members confirmed they were content to hear one presentation for all four applications and the Chairman advised that there would need to be 4 separate votes at the end of debate.

109. Planning Application 21/01051/FUL - The Red Lion Inn , Main Street, Babcary, Somerton, TA11 7ED (Agenda Item 6)

The Planning Specialist gave one presentation for all of the four planning applications and all comments and discussions for all applications were minuted in item 109. Separate votes were taken and the decisions for these are in the separate application items.

Proposal: Changes of use of the existing outbuildings from 6 short term letting units and garden/function room/store currently used in connection with the adjoining public house into a single independent, self-contained dwelling unit and ancillary annex accommodation to that dwelling unit, and provision of new vehicular access and relocation of public house car park to the rear of the public house.

The Chairman informed members that he had asked for all the upcoming applications to come to committee as he felt they should be heard in public. He advised members that documentation that had been circulated by the applicants 72 hours before the meeting date was acceptable but asked that any other documentation received within the 72 hours should not be taken into account.

The Planning Specialist explained that he would be delivering one presentation for all four applications and he highlighted each proposal to members. The application had come to committee after ward members had been consulted and the chair had expressed views that the application be heard in public. The Vice Chair had been consulted and agreed that the applications should come to committee.

With the aid of PowerPoint slides, he gave a comprehensive presentation relating to the site and proposed plans for all four applications.

In response to a question he clarified that the overlap of the proposed application sites on the slides were because there was a proposed shared parking area.

He talked though all the key considerations for the applications and confirmed to members the reasons for recommending refusal. An independent Viability assessment had been undertaken and the assessor was present at the meeting to discuss his findings. Similarly, an external heritage assessor was also appointed and she was also present to expand on the views on the Designated Heritage Asset.

The external viability consultant for SSDC gave his presentation on the viability assessment to members that highlighted the key points including the short term and long term risks for the business.

In response to a members question, he clarified that the opinion given was his as a viability expert.

The External Heritage consultant for SSDC then presented to members and detailed the points raised in her report in relation to the listed building and the harm to the significance of the designated heritage asset.

The Parish Council representative addressed members in objection to the application. Some of his comments included:

- Overdevelopment of a grade II listed building
- The relocation of the car park would affect neighbouring properties.
- Reduction in car parking would mean cars spill out on the village lanes
- The main concern is the survival of the pub and the council had a duty to protect it.
- CPRE and CAMRA share the view that these plans would endanger the survival of the pub.

There were four speakers in objection to the application and some of their comments included;

- Approving the application would have consequences to the future viability of the pub
- The letting rooms were a high profit generating part of the business
- The reduced facilities would fail to give the Red Lion the ability to adapt and change in the hospitality sector.
- The reduced car park would not provide the necessary parking for staff and customers
- The proposals were contrary to historic environment policy and legislations
- The retention of the listed building as a public house and its setting at the heart of Babcary added to its special interest.
- Each of the proposals impact upon the significance of the listed building and there were no public benefits that outweighed the potential loss of the use of the Red Lion inn.
- Felt that the applications meant that the pub did not care for the future viability.
- A parish meeting in 2021 found overwhelming objection to the applications
- Contributions that the inn made to the sustainability of Babcary and the future flexibility and viability must be protected.
- Asked the committee to focus on the independent expert viability report commissioned by the council
- Demolishing the stone wall and adding spaces round the building were all visually harmful to the street setting

A number of public then spoke in support of the applications and their comments included:

- The applicants own viability study that was undertaken in the request of the planning officer found that the Red Lion would remain viable after the proposed changes had taken place.
- Questioned how the independent viability study could be satisfied in the short term but not the long term.
- The proposal fulfils the parking requirements

- Air B&Bs have grown in the area and 8 local pubs have also added bedrooms, leading to saturation in the local area and potential reduced occupancy figures for the Red Lion.
- The applicants were seeking to future proof the business and were in the best position to forecast the safest way forward.
- The applicants had provided many benefits to the village
- Efforts had been made to explain the reasons to the community for the planning applications.
- If planning was granted the Red Lion would still exist and be a well-run pub.
- A number of applications had been granted in and around Babcary and the proposed applications looked to be able to be supported by planning policy.
- The building has continually evolved over many years and needs to continue to adapt, change is necessary.
- The pub was not the villagers pub but the own applicants pub. This application would provide more stability.
- There would be no physical impact to the building itself.
- There would be no visual impact to the views from Main Street.
- There were no issues relating to setting as part of a recent application regarding 3 new houses directly opposite the car park.
- The remaining facilities if the planning was approved would continue to be very good, and from professional experience, found that the Red Lion was far superior to many successful public houses.
- Acknowledged that the business would be less profitable but it would remain economically viable and sustainable.

The applicants and the agent then spoke to the committee and some of the following comments were made;

- The business was an award winning pub.
- Concerns were raised in 2018 with the pending dualling of A303 and how this may impact the business.
- Neither the bedroom or function room were fulfilling the potential that had been envisaged.
- These planning applications would safeguard the future of the pub and remain viable.
- Air b&b's and holiday lets in the village have meant the profit from bedrooms have become more challenging.
- The lockdown during covid and rising of costs are all very real challenges that the applicants like all in hospitality had faced.
- They had worked with the planner and tried hard to engage and inform the villagers as advised and the parish council have not wanted to listen.
- The Barton Inn as referenced in the Viability assessors statement had its car park removed for housing 10 -15 years ago and the pub was still viable without any carpark.
- The pub would remain viable and the grade II listed status of this property would not be adversely affected. The SSDC conservation officer had no objections to the principle in the early stages of the application.
- The application has been through many phases since 2020 as they worked closely with the planning department.
- In terms of noise levels for neighbouring properties, there would be little difference between the current arrangements and the new proposals.
- The applicants had emotional and financial investment in the community and should be allowed to continue the business evolution to secure the long term viability of the pub and the wider village

The Chairman then proposed a break and members agreed to have a 15 minute comfort break.

Ward Member Councillor Henry Hobhouse explained that the locals were almost all against the applications.

The car park was nearly always full at the weekend as the pub was a very popular destination and was extremely well managed. It would be up to the committee members to make the decision on whether the applications would be approved or refused.

Ward member Councillor Kevin Messenger explained to the committee that he was also a landlord and that in Britain over 400 pubs had been closed and there was increasing pressure of trying to survive. The applicants were part of the local community and struggled to understand why their finances had been scrutinised. The economic situation was already difficult and about to get worse. He informed members he would be abstaining from voting as he needed to do the right thing as a councillor.

In response to a question raised about the car parking the Agent confirmed that there were electric parking points on the southern side for the new houses and pub parking spaces. There were no specific disabled spaces identified but the northern car park had a footpath to access to the pub which was 1.2m wide and deemed sufficient width for a disabled space.

One councillor didn't feel the parking was an issue as most village pubs had no car park at all. Business should be supported and the application should be approved.

There being no further debate it was proposed and seconded to approve the application. Following a short discussion the Chairman advised a 10 minute break so that the proposer could confirm the reasons for approval with the support of the planning specialist for each of the applications.

With the support of the planning specialist the proposer confirmed that reasons for approval were:

- The proposal would not be contrary to EP15 and that policies SD1, SS2 and sustainability guidance were complied with.
- Considered that the proposal complies with NPPF guidance and local plan legislation and that the public benefits of retaining the pub as a viable business override any smaller dis-benefits.
- Policy EQ2 is not an overriding reason to justify a refusal. It was considered the not an overriding adverse visual impact.
- Any impact of the proposed car park would not adversely impact on residential amenity to conflict with EQ2 and EQ7 of the local plan.

The seconder was content with the refusal reasons.

On being put to the vote, the proposal was lost by a vote of 3 in favour, 4 against and 2 abstentions.

It was then proposed and seconded to refuse the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was carried 4 in favour, 3 against and 2 abstentions.

RESOLVED

That Area East committee members recommend the Chief Executive refuse the planning application 21/01051/FUL, in line with the officer's recommendation for the following reasons:

01. The implementation of the proposed development would be detrimental to the long-term viability and future of The Red Lion Inn, resulting in a significant or total loss of the premises currently used as a public house that contributes towards the sustainability of the village of Babcary. In addition, the proposed development would not provide employment opportunities appropriate to the scale of the settlement, would not create or enhance community facilities and services to serve the settlement, or meet an identified housing need (particularly affordable housing), nor would it increase the sustainability of the settlement. As such the proposed development would be contrary to Policies SD1, SS2 and EP15 of the South Somerset Local Plan and relevant guidance in the National Planning Policy Framework (2021).
02. The proposed development would neither preserve nor enhance the character and appearance of the Listed Building and its setting and would cause less than substantial harm to the significance of the designated heritage asset. As such, the proposal conflicts with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and, in the absence of any public benefits that would outweigh such harm, is contrary to Policy EQ3 of the South Somerset Local Plan 2006-2028 and Chapter 16 of the National Planning Policy Framework (2021), in particular paragraphs 197, 199 and 202.
03. The proposed creation of the new vehicular access and relocated car park and the resultant removal of stone walling, would neither conserve nor enhance the character and appearance of the locality, by reason of the further erosion of an historic, rural street scene, and as such would be contrary to the aims and provisions of Policy EQ2 of the South Somerset Local Plan 2006-2028 and relevant guidance within the National Planning Policy Framework (2021).
04. The siting and vehicular use of the proposed car park at the northern part of the site, in such close proximity to neighbouring dwellings, would result in a form of development that would cause unacceptable detriment to the amenities currently enjoyed by the residents of those dwellings and, as such, would be contrary to Policies EQ2 and EQ7 of the South Somerset Local Plan 2006-2028.

(Voting: 4 in favour, 3 against, 2 abstentions)

110. Planning Application 21/01052/LBC - The Red Lion Inn , Main Street, Babcary, Somerton, TA11 7ED (Agenda Item 7)

The Planning Specialist gave one presentation for all of the four planning applications and all comments and discussions for all applications were minuted in item 109. Separate votes were taken and the decisions for these are in the separate application items.

Proposal: Partial re-building and partial re-alignment of front boundary wall adjoined to the north end of the west elevation of the Red Lion Inn

The Planning Specialist presented the application as outlined in the agenda report.

It was proposed and seconded to refuse the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was carried 4 in favour, 3 against and 2 abstentions.

RESOLVED

That Area East members recommend the Chief Executive refuse planning application 21/01052/LBC as per the officer's recommendation for the following reason:

The proposed development would neither preserve nor enhance the character and appearance of the Listed Building and its setting and would cause less than substantial harm to the significance of the designated heritage asset. As such, the proposal conflicts with Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 and is contrary to Policy EQ3 of the South Somerset Local Plan 2006-2028 and Chapter 16 of the National Planning Policy Framework (2021), in particular paragraphs 197, 199 and 202.

(Voting: 4 in favour, 3 against, 2 abstentions)

111. Planning Application 21/01053/OUT - The Red Lion Inn , Main Street, Bab Cary, Somerton, TA11 7ED (Agenda Item 8)

The Planning Specialist gave one presentation for all of the four planning applications and all comments and discussions for all applications were minuted in item 109. Separate votes were taken and the decisions for these are in the separate application items.

Proposal: Outline application for the erection of 2no. detached new dwellings within the Red Lion Inn car park and adaptation of existing vehicular access, with some matters reserved except for access, layout and scale.

The Planning Specialist presented the application as outlined in the agenda report.

It was proposed and seconded to refuse the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was carried 4 in favour, 3 against and 2 abstentions.

RESOLVED:

That Area East members recommend the Chief Executive Refuse planning application 21/01053/OUT, in-line with the officer's recommendation for the following reasons:

01. The implementation of the proposed development would be detrimental to the long-term viability and future of The Red Lion Inn, resulting in a significant or total loss of the premises currently used as a public house that contributes towards the sustainability of the village of Bab Cary. In addition, the proposed development would not provide employment opportunities appropriate to the scale of the settlement, would not create or enhance community facilities and services to serve the settlement, or meet an identified housing need (particularly affordable housing), nor would it increase the sustainability of the settlement. As such the proposed

development would be contrary to Policies SD1, SS2 and EP15 of the South Somerset Local Plan and relevant guidance in the National Planning Policy Framework (2021).

02. The proposed development would neither preserve nor enhance the character and appearance of the Listed Building and its setting and would cause less than substantial harm to the significance of the designated heritage asset. As such, the proposal conflicts with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and, in the absence of any public benefits that would outweigh such harm, is contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan 2006-2028 and Chapter 16 of the National Planning Policy Framework (2021), in particular paragraphs 197, 199 and 202.
03. The proposed development would involve the loss of a significant number of parking and turning spaces currently used in association with the Red Lion Inn public house. In the absence of any approved alternative on-site parking and turning spaces for customers and staff, the loss of the existing car park area to accommodate the proposed development would result in an increase in on-street parking, thereby increasing the dangers to highway safety and public safety to an unacceptable degree. As such, the proposal is contrary to Policies TA5 and TA6 of the South Somerset Local Plan 2006- 2028 and relevant guidance within the National Planning Policy Framework (2021).
04. The application site falls within the catchment area flowing into the Somerset Levels and Moors Ramsar, designated as a Special Protection Area (SPA) and a Site of Special Scientific Interest (SSSI) for its rare aquatic invertebrates. Any new housing, including single dwellings, will result in an increase in phosphates contained within foul water discharge, resulting in changes to environmental conditions for these species. As the designated site is in 'unfavourable' condition, any increase, including from single dwellings, is seen as significant, either alone or in combination with other developments. There is currently no means of strategic mitigation relating to phosphates, and no site specific measures have been proposed. In the absence of any other mechanism by which mitigation could be secured, granting outline planning permission would be contrary to the Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. It is considered that the development would have a likely adverse effect on the integrity of the Ramsar site due to the additional discharge of nutrients, and absence of mitigation.
As such the proposal is considered contrary to paragraph 180 (a) of the National Planning Policy Framework, which states that planning decisions permission should be refused if significant harm to biodiversity cannot be avoided, mitigated, or as a last resort, compensated for, and Policy EQ4 (Biodiversity) of the South Somerset Local Plan.

(Voting: 4 in favour, 3 against, 2 abstentions)

112. Planning Application 21/01054/DPO - The Red Lion Inn , Main Street, Babcary, Somerton, TA11 7ED (Agenda Item 9)

The Planning Specialist gave one presentation for all of the four planning applications and all comments and discussions for all applications were minuted in item 109.

Separate votes were taken and the decisions for these are in the separate application items.

Proposal: Application to vary the Section 106 Agreement dated 7th October 2011 between South Somerset District Council and The Red Lion Inn (Babcary) Ltd in association with planning permission 10/05151/FUL to remove the requirements for (i) the outbuildings to be used in connection with the adjoining public house, and (ii) for purposes solely limited to short term letting rooms and as a garden/function room/store.

The Planning Specialist presented the application as outlined in the agenda report.

It was proposed and seconded to refuse the application as per the officer recommendation as outlined in the agenda report. On being put to the vote, the proposal was carried 4 in favour, 3 against and 2 abstentions.

RESOLVED:

That Area East members recommend the Chief Executive Refuse planning application 21/01054/DPO, in-line with the officer's recommendation for the following reason:

The Section 106 Agreement still serves a useful purpose to help secure the viability of the Red Lion Inn. The proposed variation/modification of the Section 106 Agreement would be detrimental to the long-term viability and future of The Red Lion Inn, resulting in a significant or total loss of the premises currently used as a public house that contributes towards the sustainability of the village of Babcary. In addition, the proposed development would not provide employment opportunities appropriate to the scale of the settlement, would not create or enhance community facilities and services to serve the settlement, or meet an identified housing need (particularly affordable housing), nor would it increase the sustainability of the settlement. As such the proposed development would be contrary to Policies SD1, SS2 and EP15 of the South Somerset Local Plan and relevant guidance in the National Planning Policy Framework (2021).

(Voting: 4 in favour, 3 against, 2 abstentions)

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Chairman