

## Chief Executive Decision

### **Planning Application Decision for 21/01053/OUT – Red Lion Inn Main Street Babcary TA11 7ED**

Executive Portfolio Holder      Henry Hobhouse , Chairman of Area East Committee  
Director:                              Kirsty Larkins, Director (Service Delivery)  
Lead Officer:                         David Kenyon (Specialist Development Management)  
Contact Details:                     David.kenyon@southsomerset.gov.uk

#### **Purpose of the Report**

To make a decision following the recommendation of members of the Area East Committee relating to a Planning Application Decision for 21/01053/OUT – Red Lion Inn Main Street Babcary TA11 7ED, following consideration at a meeting of Area Committee (Informal) on 18 May 2022.

#### **Public Interest**

At the meeting of Full Council on Thursday 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council;

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed:

- a) To continue to enable members to hold remote, virtual meetings using available technology and to extend the delegation given on 15 April 2021 for a further 6 months, to 08 January 2022, and at the Council meeting of 16 December 2021, a further extension to 8 July 2022 was agreed.

---

#### **Decision Taken**

The Chief Executive, following a consultative meeting by the Area East Committee (Informal) on the 18 May 2022, made the following decision;

That planning application 21/01053/OUT is **Refused**, in-line with the officers recommendation

**Reason:**

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.

---

## **Background**

To enable the decision making process to continue, it was agreed that Councillors continue to receive decision-making reports. They will form a view which will be communicated to the Chief Executive. The decision will be formally made by the Chief Executive (or relevant Director) during the current coronavirus restrictions.

## **Background Papers**

Officer Report - Officer Report on Planning Application: 21/01053/OUT