

CCTC Observations for Appeal Re-determination Hearing  
18/01602/FUL and 18/10603/LBC  
APP/R3325/W/20/3247647 and APP/R3325/Y/20/3247652

1. In respectfully requesting that the developer's Appeal be dismissed at re-determination the Town Council strongly supports South Somerset District Council's original decision to refuse Full planning permission and Listed building consent and the previous Inspector's decision to dismiss the appeal, subsequently quashed by the High Court on grounds of prejudice.
2. Given that the Appeal is now subject to re-determination the Council assumes a new Inspector will consider all relevant matters afresh and therefore the Council's Planning Committee gave full consideration once more to this development. In this it was attended by several members of the public drawn from the neighbourhood of the site, one of whom spoke for them all.
3. The Planning Committee voted by a substantial majority (6 in favour with 1 opposed and 2 abstentions) to ask that the Appeal be dismissed.
4. Although the Council previously submitted observations to South Somerset District Council (SSDC) when the Full planning and Listed building consent applications and previous Appeal were discussed it now re-states and augments its observations.
5. The Council favours developments on brownfield sites such as the BMI site which has long been neglected and where Listed buildings have fallen into disrepair. In principle it prefers such development to greenfield sites where it has seen far too much development in recent years with more in prospect. Such development is also welcomed in the Castle Cary and Ansford Neighbourhood Plan.

6. However, the Council must raise serious concerns about this particular application.

7. Main concerns: the majority view

a. The traffic management proposals on the A371 are outdated, were drawn up in 2014, and take no account of subsequent planning applications in the area. They need to be completely reviewed.

b. The Council questions the high density of houses proposed for the site and the adequacy of on-site car parking thereby required which includes a mere 6 visitors' spaces (which we flagged as unsatisfactory in 2018). It is not at all satisfactory that car ownership statistics of 1.6 vehicles per household (and thus new residents' parking provision) are based on the 2011 Census, now ten years old. Car ownership has increased since 2011, there is more local traffic (including HGVs) arising from the Dimmer recycling facility and The Newt in Somerset, and less than adequate public transport has stimulated rural car use, leading to a significant cumulative impact.

The Council notes that the allocation of 171 spaces falls between 10% and 17% below the optimum of 190 to 207 spaces set out in the Somerset County Council Parking Strategy for a site in this zone, a significant shortfall. Overflow car parking is also a potential risk: if spaces on site are inadequate for residents and visitors the most likely overflow will be onto the Upper High Street and nearby streets which already have little space for parking and would easily become congested. This and any increase in through traffic avoiding the A371 would be to the detriment of the Conservation Area.

c. Highways advised in the application that the new roads on the development would not be adoptable which means residents will have to maintain them in the future. This is unacceptable; other sites in Area East have had problems with similar proposals.

d. We have concerns about street lighting on the proposed development.

e. We have serious concerns over road widths as parking allocation on site does not follow County guidelines. This will make on-street parking inevitable thus blocking access for emergency vehicles & rubbish/recycling collection vehicles.

f. Adequate drainage & SUDS systems do not appear to be in place. We have serious concerns over surface water management as all run-off from this site will end up in North Street and hence to High Street and Fore Street, a busy retail and community centre.

g. Although correspondence on the SSDC website refers to 'reluctant acceptance' by the owner of the District Valuer's recommendation for 11 affordable homes, the plan does not include explicit reference to these.

h. No regard has yet been given to our concerns about the demolition of the former engine house which is within the curtilage Listing.

More generally, the plans do not give sufficient detail of the works for the Inspector to be certain about the treatment of the Listed buildings to enable consent to be given. In particular, floor treatment affecting ceiling heights, the developer's preference for vertical division within the historic horizontal design, the external appearance of an industrial building following the insertion of multiple domestic front doors to dwellings and the unspecified

height of the west boundary walls. Lack of detail cannot be remedied by condition as Listed building consent cannot be given in outline since it leaves broad scope for significant matters undefined to be approved after consent.

i. Lack of renewable energy solutions including photovoltaics in the new house designs.

j. The revised plans, with the addition of three storey designs, compromise the curtilage of nearby Listed buildings, the amenity and privacy of neighbours and views from the Conservation Area of North Street.

k. The site owner must rectify any outstanding breaches of law relating to the listed buildings and structures within their curtilage before any new building commences. These buildings are of significant local historical significance, having been built by the Boyd family for horsehair weaving, an industry that continues today in Castle Cary, one of only two in the world.

l. Residents in the area expressed concern that the new traffic lights onto Cumnock Road (A371) will cause congestion & parking difficulties for exiting residents particularly in Ancastle Avenue and Ancastle Terrace; CCTC recommends that Highways revisits the area.

m. Adequate provision for footpath access between the Red House development and the BMI site needs to be considered, to avoid future residents having to use the busy and dangerous A371 to visit each other.

o. The Ecology Impact Assessment is not adequate. It refers to some parts of the site being inaccessible owing to building safety considerations and impenetrable vegetation. It appears there was no data collected at the west boundary wall adjoining Cary Place

where bat activity has been observed by the resident. The EIA refers to the use of online mapping resources at para. 3.4.3 to identify habitats such as woodland blocks, ponds ... within the regulatory 500m (see the Planning Inspectorate Guidance Note 18: The Water Framework Directive) but omits to address the orchard and the large pond in the Cary Place walled garden adjacent to the site in question, both being suitable habitats. This significantly undermines the value of the EIA as a comprehensive study of habitats and species activity and would justify refusal of planning permission, a point raised by the previous Inspector.

p. The Council is not convinced that phosphate neutrality for the BMI site can be certain of achievement at this point. As far as we are aware and having regard to the SSDC Phosphates Position Statement of June 2021, the national Model Policy and Supplementary Planning Document are not yet available and have not been approved by SSDC for the purpose of consultation and subsequent adoption, as required by local planning regulations. It is difficult to see therefore how the two-step agreements process envisaged in the proposed Second 106 agreement can be certain of effective implementation if the technical methods have not yet been fully approved by the Environment Agency and Natural England.

q. We note the appellant has submitted a 'shadow' Habitats Regulations Assessment (HRA) which proposes mitigation in support of the two-agreement procedure mentioned above. It is our understanding that no HRA was undertaken by SSDC as the deciding authority. Therefore we believe the Inspector may have to undertake an HRA in relation to this development as he or she will be the decision maker at appeal. We note this occurred in Appeal APP/P9502/A/21/3275614, a case in Wales but nonetheless we presume subject to the same UK regulations. In the absence of an HRA we do not see how there could be certainty about phosphate mitigation at the time of decision.

## 8. Concerns: the minority view

The minority view of the development in the Planning Committee in brief summary was that although the scheme is by no means perfect it is a brownfield site (to be preferred over greenfield sites by the Council and the Neighbourhood Plan) and it does afford future protection to the deteriorated Listed buildings, important in the history of Castle Cary and horsehair manufacture. Absent any remedial works by the site owner these will continue to be harmed by deterioration and may become beyond rescue.

## 9. Conclusion

The Town Council respectfully asks that the Appeal be again **dismissed**.