**For Decision: Next Steps, Frome Police Station**

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*Summary*

This report updates Councillors on the actions taken by FTC following the refusal of the planning application and sets out the options for what to do next. In order to make sure the refusal is not reversed on appeal, we also need to consider viable alternatives to the scheme.

*Background*

On 7 April 2015 Mendip District Council refused the planning application by Newlands Homes for the erection of 61, one, two, three and four bedroom dwellings with access from Oakfield Road and associated works, on the Police Station Site at Oakfield Road. The town council objected to the proposal for the following reasons:-

* Lack of affordable housing
* Traffic impacts to the site and surrounding area
* That the transport assessment was not accurate
* Detrimental effect that the design will have on the adjacent Conservation Area
* The density of the housing is too high

The application was recommended for approval by the Planning Officer but the recommendation was overturned by the Mendip Planning Board who refused the application. This was in part due the campaign from the local residents, the town council and the ward councillors.

*Actions so far*

Following the issue of the refusal notice, FTC sought the advice of Bill Lowe, Chartered Town Planner, as we wanted some reassurance that the refusal reasons were defendable at appeal and advice on what the Town Council should do to strengthen that defence.

Bill Lowe advised that the reasons for refusal are robust and what further steps the town council should take in response to an appeal being lodged are listed below.

* Submit a Freedom of information request to MDC for a copy of the MDC viability assessment. The reason for this request is to so that we can better understand MDC’s reasons for accepting a reduced amount of affordable housing.
* To request that Frome Civic Society represents the Town Council as a witness on grounds of design and the resulting site density
* Vacant Buildings Credit – Reading Bourough Council & West Berkshire Council have challenged the vacant Buildings Credit through the High Court, and other Councils have taken the view that it should not be applied pending the outcome of this challenge. The outcome of the challenge should be known prior to the appeal hearing. The Vacant Buildings Credit was used by Newland Homes as a reason for not providing any affordable housing.
* That FTC engage transport consultants IMA Transport to provide an analysis of the transport assessment and to stand at the appeal hearing.
* That a proactive approach should be taken to in relation to the adjoining disused allotment site to protect it for wider community benefit in any provision of a viable alternative.

*What happens next?*

Freedom of Information requests have been submitted to MDC, requesting a copy of the MDC viability assessment and information regarding the adjoining disused allotment sites. We are currently awaiting a response.

It has been confirmed that an appeal has been lodged but at the time of writing it has not been registered so we don’t know when it will be considered but if we are to support the refusal at appeal we need to be organised.

There are two parts to consider on what happens next, the first is FTC’s defence of the appeal and the second is the future development of the site.

In defence of the appeal it is recommended that :-

* IMA Transport are engaged to provide an analysis of the transport assessment and represent FTC at the appeal hearing, this is likely to cost around £2000.
* To ask that The Frome Civic Society act as a witness at the appeal hearing on grounds of design and the resulting site density.
* Following the outcome of the High Court Appeal on the vacant buildings credit, engage a Solicitor to defend this issue at the appeal hearing.

If the application is refused at appeal, for the future development of the site there are two options, the first is to work with the Community now and prepare an acceptable alternative scheme for the development of the site. This would require the services of a planning consultant to prepare all the necessary plans and documentation and town council resources for the community engagement.

The benefits of this are:-

* To reassure the residents that something is being done
* FTC would be in a position to present a viable alternative to the Police Authority if the appeal is refused.

The drawbacks are:-

* If the appeal is allowed, the resources put towards the work will be lost.
* If the appeal is refused there is no guarantee that the Police Authority would be willing to consider any proposals put forward by FTC, and at this point they are not willing to consider this until the appeal has been determined
* How will this work be funded
* It should be noted that without securing an option on the site, any planning consent that might be gained by FTC could be implemented by any developer, therefore not allowing FTC to benefit from the initial investment of preparing an acceptable alternative.

The Second option would be to wait until the outcome of the appeal, if the appeal is refused, discuss with the Police Authority their willingness to work with FTC allowing us to work with the community to bring forward an acceptable alternative.

The benefits of this are:-

* The confidence of having an agreement with the Police Authority
* There will be no potential loss of funds or staff recourses
* Will give FTC a lever to work with other potential developers

The drawbacks are:-

* The possibility that another developer including Newland Homes could take out an option on the site and submit an unacceptable alternative
* Lack of faith in the Town Council from the residents

*Recommendation*

The Planning Advisory Panel recommends to Council, in defence of the appeal:-

* IMA Transport are engaged to provide an analysis of the transport assessment and represent FTC at the appeal hearing, this is likely to cost around £2000.
* To ask that The Frome Civic Society act as a witness at the appeal hearing on grounds of design and the resulting site density.
* Following the outcome of the High Court Appeal on the vacant buildings credit, engage a Solicitor to defend this issue at the appeal hearing.

To wait until the outcome of the appeal, if the appeal is refused, discuss with the Police Authority their willingness to work with FTC allowing us to work with the community to bring forward an acceptable alternative to developing the site.