

## South Somerset District Council

**Minutes** of a meeting of the **Area West (Informal)** held by video-conference using Zoom meeting software **on Wednesday 19 January 2022.**

(5.30 - 9.30 pm)

**Present:**

**Members:** Councillor Jason Baker (Chairman)

Mike Best	Paul Maxwell
Dave Bulmer	Tricia O'Brien
Martin Carnell	Sue Osborne
Brian Hamilton	Robin Pailthorpe
Ben Hodgson	Oliver Patrick
Val Keitch	Garry Shortland
Jenny Kenton	Martin Wale



**Officers:**

Paula Goddard	Specialist (Legal Services)
Michelle Mainwaring	Case Officer (Strategy & Support Services)
Jo Morris	Case Officer (Strategy & Support Services)
Becky Sanders	Case Officer (Strategy & Support Services)
John Hammond	Lead Specialist - Built Environment
Kirsty Larkins	Director (Service Delivery)

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

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### 65. Minutes (Agenda Item 1)

The minutes of the previous meeting held on 8<sup>th</sup> December 2021 were approved as a correct record and would be signed by the Chairman.

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### 66. Apologies for Absence (Agenda Item 2)

There were no apologies for absence.

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### 67. Declarations of Interest (Agenda Item 3)

Councillor Val Keitch declared a personal interest in Planning Application 21/02654/FUL, as a member of Ilminster Town Council. She indicated that she had made the decision to not speak or vote on the application.

Councillor Sue Osborne declared a personal interest in Planning Application 21/02654/FUL, as the Ward Member.

Councillor Dave Bulmer declared a personal and prejudicial interest in Planning Application 21/0254/FUL, as a former director of Chard Carnival Committee. He advised that he would leave the room during the item and take no part in the discussion or vote.

Councillor Jenny Kenton declared a personal interest in Planning Application 21/0254/FUL, as former mayor of Chard Town Council and Chard Carnival Committee. She had taken the decision to not take part in the discussion or vote as she had recently been involved with the carnival collection.

Councillor Martin Wale declared a personal interest in Planning Application 21/0254/FUL, as a former member of Chard Carnival Committee.

Councillor Brian Hamilton declared a personal interest in Planning Application 21/0254/FUL, as a member of Ilminster Town Council.

Councillor Garry Shortland declared a personal interest in Planning Application 21/0254/FUL, as former mayor of Chard Town Council and president of Chard Carnival and also because of his involvement with the carnival collection.

Councillor Jason Baker declared a personal interest in Planning Application 21/0254/FUL, as a member of Chard Carnival Committee.

Some members read statements in response to correspondence received from CPRE Somerset.

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#### **68. Date of Next Meeting (Agenda Item 4)**

Members noted that the next meeting of the Area West Committee would be held on Wednesday 16<sup>th</sup> February 2022 at 5.30pm.

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#### **69. Public Question Time (Agenda Item 5)**

There were no questions from members of the public.

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#### **70. Chairman's Announcements (Agenda Item 6)**

The Chairman made no announcements.

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#### **71. Promoting Community Safety in Area West (Agenda Item 7)**

Sgt. Rob Jameson from Avon and Somerset Constabulary was welcomed to the meeting. He gave a short presentation on local issues and initiatives. Particular reference was made to the following:

- Neighbourhood policing publicity drive
- Uploading of videos/CCTV was being promoted
- Staff changes that have taken place in Chard, Crewkerne and Ilminster
- Expansion of the Rural Crime Team

- Yeovil Police Station

Sgt. Rob Jameson responded to members' questions on points of detail in relation to sheep theft, agricultural vehicle stop checks, road traffic collision prevention and County Lines.

At the conclusion of the item, the Chairman thanked Sgt. Rob Jameson for attending the meeting.

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**72. Area West Committee Forward Plan (Agenda Item 8)**

Members noted that there would be an update on Phosphates at the February Area West Committee meeting.

**RESOLVED:** That the Area West Committee Forward Plan be noted.

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**73. Schedule of Planning Applications to be Considered by Committee (Agenda Item 9)**

Members noted the Schedule of Planning Applications.

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**74. Planning Application 21/02654/FUL - Land OS 6300 Longforward Lane, Kingstone (Agenda Item 10)**

**Application Proposal: Erection of buildings to store and facilitate the construction of carnival floats**

*(Having declared a personal and prejudicial interest in the application, Councillor Dave Bulmer left the meeting during consideration of the item).*

The Lead Specialist – Built Environment presented the application as outlined in the agenda report. He explained that the proposed site was located between two existing buildings, some recently constructed barns and a former farm building used by another carnival club. Pre-application advice had been sought regarding the appropriateness of the proposed location as well as other sites in the area and officers had recognised the role that carnival clubs played in South Somerset including their future existence and viability. It was acknowledged that by reason of the land values afforded to allocated sites or sites with planning permission, together with the impacts of various permitted development rights relating to residential and commercial re-uses the scope to direct volunteer based activities towards such sites would require them to overcome commercial land value requirements and as such any site suited to a non-commercial user would need to be similar to the proposed and would likely be a greenfield site and not have alternative land values.

The Lead Specialist – Built Environment showed plans of the application site and photographs illustrating the surrounding area, existing barns, access to the site and parking. The building could be delivered in one or equally as a phased approach. The proposed building was a single utilitarian structure and was not dissimilar to the barns located next door. In terms of access, the applicants had produced a Traffic Management Plan to show details of how larger vehicles could turn into the site and

move along Park Lane. He stated that the area was already characterised by development and locating a building within that context did not alter the character of the area. The Highway Authority and SSDC Highway Consultant had no objections subject to conditions. He confirmed that Somerset Ecology Services were content that the scheme did not lead to biodiversity harm and the Lead Local Flood Authority had determined the proposal to be acceptable. The proposal was not affected by the phosphates issue and did not trigger a requirement for an Environment Impact Assessment. The Planning Officer's recommendation was for approval subject to conditions.

In response to questions from Members, the Lead Specialist – Built Environment advised:

- The Traffic Management Plan would cover the size of vehicle movements with smaller vehicles being able to negotiate the roads to the south.
- Condition 22 required a lighting scheme. It could be amended to include criteria about hours, intensity of light and up-lighting.
- The proposed building height was 7.3 metres to the ridge and had a consolidated form. Photographs were shown to illustrate how it would relate to the existing buildings.
- The six tests that conditions were deemed to be lawful.
- The compliance measures likely to be taken particularly in relation to vehicle movements.
- Condition 13 had been requested by the Highway Authority to stop loose gravel going onto the road and was a standard condition. A permeable surface would be used so the parking areas were not hard surface run off environments.
- The Lead Local Flood Authority had been fully engaged in the application process and were content with the information provided.
- Members should consider whether the need to support the Carnival Club Committee was significant and if so accept that some degree of landscape impact was inevitable but if they did not believe that the Carnival Club was something that should be supported this was a building without a justification and there would therefore be a landscape harm.

The Committee was addressed by a member of Kingstone Parish Meeting. His comments included:

- The application was against the Local Plan and the National Planning Policy Framework.
- There was no exemption policy in the Local Plan to allow non-profitable organisations, charities or cultural organisations to build in open countryside and in areas not identified for development in the Local Plan.
- The site was located in open countryside and in an unsustainable location.
- There had been no robust consultation with Kingstone Parish Meeting and the proposal did nothing to promote local employment opportunities or meet local housing need.
- There was no option available for public transport, walking or cycling to the site.
- How could a 2000 square foot building in open countryside not have an effect on the quality of the environment?
- The building had sixty roof lights which would promote light pollution and destroy the dark skies.
- What would happen to the building if the carnival failed?

- There was no convincing financial appraisal to make the proposal viable.
- The damage to landscape and the local community would have already been done whatever the future of the carnival.

The Committee was then addressed by a member of Seavington Parish Council. His comments included:

- Road infrastructure surrounding the site was mainly single track with few passing places and unsuitable for a considerable increase in use.
- Visibility splays at main road access junctions were non-compliant.
- Collisions had occurred at the junctions. They were dangerous and would become increasingly unsafe with more traffic.
- Junction to the north not properly assessed.

Four members of the public spoke in objection to the application. Their comments included:

- The building would look like an industrial building with 5 roller-doors and hard surface parking for 85 cars.
- Policy SS2 should be taken into consideration.
- Imposing a huge industrial building in open countryside far from any of the carnival towns that could only be reached by car did not support the Council's Environmental Strategy.
- Site susceptible to flooding and foul water drainage a concern.
- Given the nature of the geology and pedology in the area, testing should have been undertaken to determine the appropriateness of the site.
- Issues on how to contain water pouring from the roofs of the proposed building.
- Not the right site for this application.
- Access unsuitable. Many of the carnival clubs using the building would not be accessing the site from the south.
- South Somerset Carnival Park Committee had no means of generating revenue.
- If the carnival park failed, the land owner could inherit an industrial estate in the countryside.
- The project was too ambitious to be delivered and was high risk.

Five members of the public spoke in support of the application. Their comments included:

- Some sites currently used by carnival clubs would no longer be available for use.
- The carnival park would secure the future of carnival.
- Carnival was an important part of Somerset's heritage.
- Carnival raised money for local causes and charities.
- Carnival linked generations from the very old to the young.
- Social, economic and cultural benefits for the people involved and the area.
- Carnival encouraged engagement and developed life skills for young people.

The Agent then addressed the Committee. His comments included:

- The Carnival Park Committee would enter into a 25 year lease with the landowner securing the future for carnival in the area.
- A number of grants had been identified suitable for this type of project and they were confident that if the application were approved construction could start later this year.

- No objections had been raised from statutory consultees.
- Carnival floats were regulated and before any movement permitted a vehicle movement order would be submitted and agreed by the Police to further control direction of travel.

Councillor Crispin Raikes, the adjacent Ward Member for Seavington said that he recognised the need for a site for the construction of floats but felt that the proposed site was unsuitable. He referred to the impact on local roads and that the Highway Authority had assumed that most traffic would approach from the south. It had been stated that the majority of traffic would come from the west. He did not believe that the proposal was acceptable and referred to Policy SS2. He said that this was an industrial development in open countryside with a totally inappropriate road system and was not supported by the local community.

The fellow Ward Member for Seavington, Councillor Adam Dance expressed his support for the comments raised by his fellow ward member and said that his biggest concern was the road network.

Ward Member, Councillor Sue Osborne said that this was a very complex and contentious application. She stated that she supported carnival but felt that putting a carnival park of this size and scale away from an urban centre where most of its participants live with no access to public transport, no access to footpaths, completely dark and single track lanes was not in its best interest. She felt that this was the wrong development in the wrong place and also referred to the landscape impact and that Policy SS2 should be taken into consideration. The development did not meet the needs of the local community and they had not been consulted. She said that any development must be proportionate and appropriate to the size of the settlement and community. She felt that the development would have less of an impact in an urban setting where there was access to facilities. She commented that there was no condition to stop anyone from staying overnight, which stated in the report would trigger a phosphates assessment. If the application had come forward as industrial development it would not be recommended for approval on landscape and highway grounds. She did not think that the development would guarantee the survival of carnival and had concerns about the project being completed.

During the discussion, members' comments included the following:

- Members needed to consider whether there would be significant harm to visual amenity and the landscape character caused by the use, siting, scale, design and materials of the proposed building.
- There was no support from the local community.
- The proposed site was wrong for the development.
- The application did not accord with Planning Policies.
- There were too many issues with the application including highways and landscape.
- Concerns over the increase in traffic and road safety.
- Unable to support due to greenfield location and rural character.
- The development was large and tall and would have an impact on the rural character of the area which was not sufficiently mitigated by the community benefit in this location.
- The existing sites of the carnival club were probably unsustainable and cars were used to access the sites.
- It was not for the Committee to look at what the landowner in the future may or may not do with the land.

- The project was infill of an existing industrial area.

The Lead Specialist – Built Environment responded to a member question regarding the concept of phasing the development. He was not suggesting that the development should be phased by condition but it was an option due to the expense of the building and would be more viable.

In response to comments made, the Lead Specialist - Built Environment advised members of the following:

- Members needed to look at whether the harm was sufficient to outweigh the benefits of the project taking into account the location.
- Taking into account land values, an alternative location was still likely to be a greenfield site.
- Any project that did not meet a local need should be judged against Policy SS1.
- Members needed to clarify reasons why lesser weight should be given to the carnival operation and greater weight to further intensification of built form in this location.
- There were no grounds to object to the proposal on highway safety.

Further comments made by the Ward Member included the following:

- There was no landscape appraisal.
- A significant bund would not be a mitigation and would be an urban intrusion.
- Cumulative impact not taken into consideration.
- Design of the building not suitable for open rural location.
- Development out of proportion with the size of a small parish.
- There was no guarantee that the carnival club would be sustainable in this location.
- Siting a large scale industrial building in an isolated rural setting would change the nature of the setting.

At the conclusion of the debate, it was proposed and seconded to recommend refusal of the application contrary to the Planning Officer's recommendation on the grounds of:

- A substantial operation that lacked alternative modes of transport to the private car
- Highway Safety
- Sufficient adverse harm to visual amenity and landscape character
- In this location the harm arising from the relationship with the buildings outweighed any benefit from a consolidated carnival club operation.

On being put to the vote the proposal was lost by 5 votes in favour, 6 against and 2 abstentions.

It was subsequently proposed and seconded to recommend approval of the application subject to conditions as per the Planning Officer's recommendation outlined in the report. On being put to the vote the proposal was carried by 6 votes in favour, 5 votes against and 2 abstentions.

**RESOLVED:** That Area West Committee recommend the Chief Executive APPROVE Planning Application 21/02654/FUL subject to conditions as per the Planning Officer's recommendation as outlined in the report.

(Voting: 6 in favour, 5 against, 2 abstentions)

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**75. Planning Application 20/02249/OUT - Land to the North of Fore Street, Tatworth (Agenda Item 11)**

**Application Proposal: Outline application with all matters reserved, except for access, for up to 35 dwellings**

The Lead Specialist – Built Environment presented the application as outlined in the agenda report together with Planning Application 20/02247/OUT. He advised that the vote for Planning Application 20/02247/OUT would need to be taken first as the application provided the access onto the main road.

The Lead Specialist – Built Environment reminded members that both applications were presented to the Committee in September. They were adjoining sites which bounded a single infill property and had previously been presented with two separate access points and a pedestrian link between the two. Concerns had been raised by members in terms of having two points of access which was also the key concern of the parish council. A revised scheme had been submitted by the Applicants to include a single point of access from the lower part of the scheme. The Highway Authority had raised a concern over part of the site being landlocked, however, it was felt this could be secured by making it a phased development. He also advised that discussions had been held with the Lead Local Flood Authority in the previous week over concerns raised by an adjoining resident regarding surface water run-off and the outcome was the introduction of engineered surface drainage solutions.

In conclusion, the Lead Specialist – Built Environment stated that a single point of access had been secured, the two schemes would be linked by one S106 agreement to secure phasing and to ensure the point of access was available for all the development. The Lead Local Flood Authority had recommended conditions to deal with the construction phase, reducing the surface water run-off, managing flows and ensuring a point of discharge into the water course. The Officer's recommendation was to approve the application subject to conditions.

In response to questions from members, the Lead Specialist – Built Environment advised:

- Members had indicated at the September meeting that they were generally happy with the scheme but not with the two points of access.
- Flooding had been raised since the September meeting and the Applicant had engaged and responded on the flooding issue.
- There could be an issue if the decision was to be appealed as it could be seen as unreasonable to introduce ecology as a grounds for refusal when the application was deferred for a specific reason.
- The Persimmon site was located within the Parish of Tatworth but it functionally related to Chard in that it was a continuous extension of the Chard settlement.
- The Local Plan aspired to deliver the bulk of its development in Yeovil but by reason of slow starts, the Yeovil sites ran into a Five Year Housing Supply issue which meant that the rural areas took more development.
- The level of growth in Tatworth was consistent with the level of growth experienced by a number of other larger villages within the district.

- The applicant could not be required to secure a 20 mph zone because it had not been requested by the Highway Authority.
- The Lead Local Flood Authority had recommended a number of conditions.
- One of the recommendations sought to retain a large area of open space which would give flexibility over the width and depth of the attenuation pond.
- The detailed surface water drainage scheme could be requested as part of the Reserved Matters application and would be agreed by the Lead Local Flood Authority.

The Committee was addressed by two members of the public in objection to the application. Their comments included:

- Concerns over significant increase in road usage
- Overspill parking outside the boundaries of the development
- There was already and increasingly occasional parking on the road and pavement near the development obscuring sites lines for traffic exiting at Langdons Way
- If granted request for conditions to include traffic calming measures, speed cameras and double yellow lines on the highway as well as pavements.
- The road towards the A358 was narrow and there was no footpath and no space to create a footpath.
- The road was already dangerous which was used by pedestrians, buses and other larger vehicles.
- Vast majority of local residents unhappy with the proposal.
- There was another huge development planned on the south side of Tatworth and if both were approved there would be large scale developments on the north side and the south side.

The Agent addressed the Committee. Her comments included:

- The scheme had been amended to include a single access road with crossing points.
- The proposals would deliver a policy compliant 35% affordable housing provision helping to meet a demonstrated local need.
- Tatworth was recognised as one of the most sustainable rural settlements in the South Somerset Local Plan and these applications represented a modest infill development within the village.
- Local amenities were within walking distance with an existing footpath and right of way. A new crossing point would be provided complete with tactile paving.
- The development was environmentally sustainable as possible retaining and enhancing landscape features.
- All existing hedgerows and boundary treatments would be retained where possible and additional tree and shrub planting was proposed.
- The development would improve the existing flooding issues by introducing drainage systems.

Ward Member, Councillor Martin Wale referred to his concerns previously raised at the September meeting which related to highway safety matters, overlooking of Sunnyside, the suggestion that any housing above it should be bungalows, over development within the Local Plan, flooding and ecology and he was of the opinion that these issues had not been agreed at that meeting. He expressed his support for the one access which he felt was an improvement and pointed out that the road was very busy, unsuitable for more traffic and had no footway on part of it. He noted the flooding conditions which he agreed addressed the issues raised and was happy with the density of houses and

agreed that the two sites should be joined. He concluded that it was a much improved application but he still had grave concerns about the highway issues.

The other Ward Member, Councillor Jenny Kenton referred to the number of conditions relating to ecology and the Ecological Impact Assessment which had found various species on the site including dormice, bats and worms. She said that the land had not been intensively farmed, had been left to lay fallow and had its own eco system. She had concerns about how the conditions would be applied to protect habitats in the area.

In response to comments, the Lead Specialist – Built Environment clarified the building heights and confirmed there was a condition to ensure that heights accord with the indicative layout shown. With regard to hedges and dormice, there were a number of conditions to protect species and there would be a relatively uninterrupted boundary with areas of open space that would be protected outside of the curtilage.

Ward Member, Councillor Jenny Kenton felt that the application should be refused based on the overdevelopment of the area, ecology and the impact on the bungalow located next door to the site. She raised further concerns which included:

- The development was too big and not right for Tatworth
- Flooding issues
- Highway impact

Clarification was sought by the Lead Specialist – Built Environment over the proposed reasons for refusal including the relevant policies and the harm that would outweigh the benefits of the development.

The Lead Specialist – Built Environment responded to a member question. He confirmed that the Council did not have a 5 year housing land supply at the current time due to the issue of phosphates precluding development in large parts of the district. It was unlikely that the Council would have a 5 year land supply within the next 12-18 months. He advised that policies which sought to protect recognised heritage, landscape and environmental designations retained full weight, however policies which sought to restrict the supply of housing were considered to be out of date. The fact that the development was not affected by the phosphates issue was not in itself a reason to approve development if there were good reasons not to.

During the discussion, some members made comments which included the following:

- There were limited services in the village and the school was at capacity.
- The need to look at the cumulative effect of other developments.
- The road was extremely dangerous.
- The applicant had addressed the main issue with the development which was the access. There were no other grounds to refuse the application.

Following further discussion by members and the Lead Specialist – Built Environment and clarification of reasons for refusal by the Specialist - Legal, it was proposed and seconded to recommend refusal of the application contrary to the Planning Officer's recommendation on the grounds of:

- Overdevelopment of the area
- Impact upon ecology, and
- The suitability of the highway network servicing the site

On being put to the vote this was carried by 9 votes in favour, 2 against and 1 abstention.

**RESOLVED:** That Area West Committee recommend that the Chief Executive REFUSE Planning Application 20/02247/OUT contrary to the Planning Officer's recommendation on the grounds of:

- Overdevelopment
- Impact upon ecology, and
- The suitability of the highway network servicing the site

*(Voting: 9 in favour, 2 against and 1 abstention)*

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**76. Planning Application 20/02247/OUT - Land to the North of Fore Street, Tatworth (Agenda Item 12)**

***Application Proposal: Outline application with all matters reserved, except for access, for up to 13 dwellings***

The Lead Specialist – Built Environment presented the application as outlined in the agenda report together with Planning Application 20/02249/OUT.

It was proposed and seconded to recommend refusal of the application contrary to the Planning Officer's recommendation on the grounds of:

- Overdevelopment
- Impact upon ecology, and
- The suitability of the highway network servicing the site

On being put to the vote this was carried by 7 votes in favour, 4 against and 1 abstention.

**RESOLVED:** That Area West Committee recommend that the Chief Executive REFUSE Planning Application 20/02247/OUT contrary to the Planning Officer's recommendation on the grounds of:

- Overdevelopment
- Impact upon ecology, and
- The suitability of the highway network servicing the site

*(Voting: 7 in favour, 4 against, 1 abstention)*

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Chairman