

Minutes of a Meeting of the Planning Committee - South held in the Council Chamber, Council Offices, Brympton Way, Yeovil BA20 2HT, on Monday, 22 April 2024 at 2.00 pm

Present:

Cllr Peter Seib (Chair)

Cllr Jason Baker (Vice-Chair)

Cllr Henry Hobhouse (from 2.30pm)

Cllr Jenny Kenton

Cllr Sue Osborne

Cllr Evie Potts-Jones

Cllr Andy Kendall (from 2.20pm)

Cllr Tim Kerley (left 4.00pm)

Cllr Oliver Patrick (left 3.45pm)

Cllr Martin Wale

In attendance:

Cllr Steve Ashton (left 3.15pm)

Other Members present remotely:

Cllr Tom Power

92 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Mike Best.

93 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Planning Committee - South held on 26th March 2024 be confirmed as a correct record.

94 Declarations of Interest - Agenda Item 3

There were no Declarations of Interest.

95 Public Question Time - Agenda Item 4

There were no questions from members of the public.

96 Planning Application 23/03015/S73 - Land OS 5439 Part Townsend Green, Henstridge BA8 0RG - Agenda Item 5

(During this item the meeting was adjourned to allow the Chairman to seek legal advice regarding the membership of the committee following the publication of a delegated decision by the Monitoring Officer during the meeting. Following this advice Councillor Steve Ashton left the meeting as he was no longer a member of the committee. It was also noted that Councillor Jeny Snell was no longer a member of the committee, however she was not present at the meeting).

The Planning Officer introduced the application to the committee with the assistance of a powerpoint presentation. She also provided the following updates:

- Explained the purpose of the application to vary Condition 10 of the previous outline planning approval to vary submission of the final details required to discharge condition 10, as well as amending the detailed requirements for offsite pedestrian works on the High Street that were previously imposed by the inspector under part (iii) of the condition.
- Highlighted the application site as approved in 2017 and the original proposed pedestrian improvements and street lighting scheme.
- Explained that the original design had been found to be unworkable at detailed audit stage and therefore the applicant had continued to work to find a suitable alternative.
- Explained in detail the pedestrian and highway works now proposed.
- Additional correspondence had been received from Henstridge Parish Council who confirmed the amended plans did not address previous concerns and therefore they still recommend refusal of the application.
- 33 further letters of objection had also been received, but nothing further had been raised that was not already included within her report.
- Due to a typo error on Condition 1 of the officer's report the date should read '19/05/2022' and not '19/05/2024'.
- Confirmed that the principle of development had already been established and therefore the key consideration was Highway Safety and whether these proposed changes should be approved.

Five members of the public addressed the committee in objection to the application. Some of their comments included:

- Questioned the lawfulness of the S73 application to allow the flexibility to grant an extension to the time limit of such an application, therefore was a violation of the planning process and a fundamental change to the planning

permission and the appeal inspectors decision.

- Since 2018 the applicant has been trying to fulfil the full pedestrian safety conditions and still none have been found to be acceptable.
- Do not believe this proposal addresses the concerns previously raised.
- The existing narrow road is already very dangerous, and the proposal does not prevent vehicles from mounting the kerb.
- This new proposal does not provide a safe footway or pavement for pedestrians and poses significant highway safety concerns.
- The scheme would have a negative impact on the existing housing residents on the High Street as vehicles would be unable to service these houses as vehicles would need to park some distance away.
- Do not believe this is an acceptable solution and does not safeguard pedestrian safety and that there is a Human Right to ensure safety for all and therefore contrary to policy.
- Henstridge has reached travel capacity.
- The proposed system would increase gridlock through the village, with HGV's having to negotiate very tight passing spaces, inadequate visibility and holding points along with signage impossible to enforce.
- Will create a 'rat run' for other roads as vehicles will look to avoid congestion this scheme would create.
- Believe this new proposal offers minimal pedestrian protection and only increases the risk especially for school children.
- The appeal decision has not been met and that the developer should not be allowed to rewrite this decision.

A representative from Henstridge Parish Council addressed the committee. Some of his comments included:

- Henstridge is identified as a rural settlement in the South Somerset Local Plan and therefore this development does not accord with this plan.
- Believe the appeal decision was made on flawed information and does not meet the requirements of the NPPF.
- This development was imposed on Henstridge at the 2018 appeal where led to believe that pedestrian safety would be addressed. This has not been the case.

The Divisional Member Councillor Nicola Clark also addressed the committee and voiced her objection to the application. Some of her comments included:

- Major concerns from local resident regarding the future safety of their community who should be supported and be provided with safe and pedestrian access routes for all.
- Proposed footpath link with Church Lane does not provide a safe access route for all with steep gradients, lack of handrails and inadequate visibility

which pose significant risks to pedestrians.

- The proposed traffic system will only elevate the noise and traffic pollution, create pinch points and increase damage to nearby properties.
- Should not be allowed to rewrite the appeal decision just because planning permission is due to expire.
- Footpaths should be provided along the whole of the High Street and not along only half, this does not meet the appeal requirements.
- Believe this application should not be approved as it compromises the safety and wellbeing of the community just for the sake of expedience.

The Applicant then addressed the committee. Some of his comments included:

- This revised application brings forward amendments to ensure the feedback from all stakeholders including the parish council and residents has been met.
- This application is simply to allow for small works to commence on site to excavate a small area for access only. This is the only work planned until all other pedestrian improvements have been agreed.
- Committed to ongoing consultation and transparency including regular working groups for the local community throughout the construction process and allow for community feedback.
- Development will provide modern high quality energy efficient homes with a significant number of much needed affordable homes.
- Will provide financial contributions to much needed community facilities and local infrastructure, including green space, youth facilities and a comprehensive travel plan promoting sustainable transport options.
- Construction environmental management plan has been approved to mitigate any disruptions.
- Development will contribute to the community growth that benefits all.

In response to comments made the Planning Officer explained that planning permission would still expire on the said date, however this application was to extend the amount of time details would need to be submitted.

She also explained the two parts to the application (i) changes to the timescales to allow the applicant to do a small amount of works along with site clearance and (ii) to allow details submitted regarding the offsite works now submitted as the 3rd scheme.

The Legal Advisor and Lead Specialist then explained in detail what changes can be made within a Section S73 application. They confirmed that the S73 cannot change the lawful start date of the original planning permission but can allow for other

changes.

The Planning Officer, Highways Officer and Lead Specialist also responded on points of detail and technical questions raised by members including:

- If the highway authority was satisfied with the proposals, there was not a need for this to be superseded by the Police authority as it was for the Highway Authority to agree the implementation of the speed limits.
- Confirmed the yellow boxes proposed from the previous scheme have now been removed and the reasons why.
- Believe this scheme does not prevent delivery vehicles servicing houses along the High Street, however, any issues regarding these problems were an existing situation and not caused by this particular scheme.
- Confirmed that the Highway 'road safety audit' has not raised any major issues with this scheme.
- Outlined in detail the differences between this scheme and the previous two schemes.
- Explained the ongoing process and position of the Highway Authority to finally receive information to allow removal of any concerns previously made.
- Explained why the original condition was not challenged and quashed at the time of implementation.

A lengthy discussion then took place regarding the intricacies and details of the conditions to ensure clarity for members. Following this discussion further comments were made including:

- Troubling that an inspector had power to saddle the authority with a clause that is unworkable and unenforceable.
- Believe the conditions are not implementable and cannot be met.
- This application is a mess for all involved and therefore should have been refused.
- Believe this proposal just goes from one set of problems to another and does not show any improvement from previous schemes.
- Questioned who will enforce the scheme and felt the scheme would create a rat run around the back roads of the village.
- This proposal does not provide evidence to improve resident safety and still poses a significant risk to pedestrians and residential amenity from unintended consequences.
- Cannot allow for more housing within Henstridge that already has a significant traffic congestion problem, this will only exacerbate these issues and create further safety risks.
- Felt this scheme does not meet the test laid out by the inspector at the original approval.
- Believe the S73 application has been hybridised to allow a technical start.

- Believe a solution can be found but does not consider this scheme to be it.

Following a short discussion, it was then proposed by Councillor Sue Osborne and seconded by Councillor Martin Wale that the application be refused, contrary to the officer's recommendation, for the same reason as reason 1 of the previous decision made in October 2023. For clarity the Planning Officer read out this reason as follows:

'The proposal would lead to increased congestion within the village, resulting in conflict between larger vehicles and between vehicles and pedestrians which would not improve overall pedestrian safety; would fail to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs for all; and would not maximise the potential for sustainable transport. As such, the proposal would be contrary to Policy TA5 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF to promote sustainable transport, in particular paragraphs 115 and 116'.

On being put to the vote this was carried unanimously.

RESOLVED:

That planning application - 23/03015/S73 to vary the requirements of Condition 10 of Approval 17/03029/OUT (Inspectorate ref: APP/R3325/W/18/3197690) for the Outline planning application for up to 130 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point from Woodhayes Way, so that (save for works in respect of clearance, laying out and digging works as shown on plan ref 501-403-01-Planning Approval Commencement Works_Sheet 1-Rev C) no development should take place until a scheme for pedestrian improvements (in accordance with points i to iii) or an alternative scheme has been submitted to and approved in writing by the local planning authority. (The remainder of the condition will remain as previously worded and the section 73 will relate to the Outline application (17/03029/OUT Inspectorate ref: APP/R3325/W/18/3197690) and subsequently approved Reserved Matters Ref: 21/03369/REM in its entirety) - be REFUSED permission, contrary to the officer recommendation, for the following reason:

1. The proposal would lead to increased congestion within the village, resulting in conflict between larger vehicles and between vehicles and pedestrians which would not improve overall pedestrian safety; would fail to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs for all; and would not maximise the potential for sustainable transport. As

such, the proposal would be contrary to Policy TA5 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF to promote sustainable transport, in particular paragraphs 115 and 116.

(voting : unanimous)

97 Appeal Decisions (for information) - Agenda Item 6

Members noted the Appeal Decisions.

(The meeting ended at 4.22pm)

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CHAIR