

# MUDFORD PARISH COUNCIL

Clerk: Julie Ferguson

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## Minutes of a Meeting of Mudford Parish Council held on Thursday 29<sup>th</sup> February 2024 at 19:00hrs

**Present** – Councillors (Cllrs): Stephen Bartlett, Robin Bowring, David Brown, Phil Edgeworth (Chair) Jo Dalton-Leggett.

**In attendance:** Julie Ferguson - Parish Clerk, SCllr Henry Hobhouse & Kevin Messenger and 25 members of the public.

### **PUBLIC COMMENTS (15 minutes)**

The following topics were raised:

- Concerns regarding Anthrax pollution on the land designated for planning development.
- Objections from a number of residents to the planning application 23/02119/OUT.
- Ongoing concern regarding cars being repaired on the roadside.
- Request for the PC to consider paying for Coldbrook to be cleared of silt to help alleviate flooding.

### **OUTSIDE REPORTS FROM REPRESENTATIVES**

- Somerset Councillors (SCllrs)

SCllr Hobhouse provided a brief report and agreed to provide a more detailed written report which could be circulated to the council in advance of the meeting in future.

- Outside bodies/groups

None.

### **19:25 – Meeting started**

**23/170 To receive apologies for absence and approve the reasons** (LGA 1972 s85(1)).

**RESOLVED:** To **APPROVE** the reasons for absence from Cllrs Blackwood and Snell (prior commitments).

**23/171 Declarations of interests.** Council members to declare any interests, including any Disclosable Pecuniary Interests they may have in agenda items that accord with the requirements of the Parish Council's Code of Conduct and to consider any prior requests from members for Dispensations that accord with Localism Act 2011 s33 (b-e). (NB this does not preclude any later declarations).

**None.**

**23/172 To approve and sign as a correct record the minutes of the previous meeting** (LGA 1972 sch 12, para 41(1)).

**RESOLVED:** To **APPROVE** and sign the minutes of the meeting held on 26<sup>th</sup> January 2024 as a true and accurate record of the meeting held.

### **23/173 Matters to report from a previous meeting.**

- a. Cemetery Risk Assessment. In Progress. **ACTION: Cllr Edgeworth/Cemetery Caretaker.**
- b. Storage of bridge and sale of Heras Fences. It was reported that the bridge had been sold for £900 and agreed to give the Heras fences in lieu of payment for storage of the bridge.

**COMPLETE.**

- c. New noticeboard delivery and installation. Ongoing. **ACTION: Clerk/Cllr Brown.**
- d. All Cllrs to attend Code of Conduct Training. Ongoing. **ACTION: All Cllrs.**
- e. Installation of Defibrillator and cabinet at Hales Meadow. **COMPLETE.**
- f. Submit the APPROVED precept request. **COMPLETE.**
- g. Gate installation progress at Withy Bed. Ongoing: **ACTION: Cllr Bartlett.**
- h. Cemetery chapel, tree and highway markers maintenance. **COMPLETE.**

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## 23/174 Planning decisions report.

None.

**23/175 Planning applications – 23/02119/OUT.** Rosemary Main Street Mudford Yeovil Somerset BA21 5TE. Outline Application with all matters reserved for the Erection of a 4 bedroom detached dwelling to rear of existing dwelling and erection of 2No. detached garages to serve the existing and proposed new dwelling.

**RESOLVED:** To **OBJECT** to the application with comments (see cont.).

**23/176 Planning applications - 14/02554/OUT.** Land OS 9330 Primrose Lane Mudford Yeovil Somerset. Outline application for development of Sustainable Urban Extension to comprise up to 765 dwellings, 65 bed care home, employment land (Use Class B1), retail units (Use Classes A1, A2, A3, A5), primary school, community building, health care facility, landscaping, open space and drainage infrastructure, access and associated highway works (GR 357198/118268)

**RESOLVED:** To **OBJECT** to the application with comments (see cont.).

**23/177 Planning applications – 15/03942/FUL.** Land North Of Primrose Lane (Combe Bottom) Mudford Yeovil Somerset. Engineering works comprising the installation of two attenuation ponds and a landscape buffer, and associated development (GR 356975/118488)

**RESOLVED:** To **OBJECT** to the application with comments (see cont.).

## 23/178 To consider a response to the consultation on a proposed diversion of Public Footpath Y 18/1.

**RESOLVED:** To **SUPPORT** the diversion of Public Footpath Y 18/1.

## 23/179 Finance – To **APPROVE** the payment schedule for February 2024.

Mudford Parish Council February 24 Payment Schedule			
Invoice	Payee	Particulars	Amount
1	SOMERSET COUNCIL	RANGER (JAN) PLAYGROUND INSPECTIONS 23-24	£ 761.84
2	PINNACLE	PAYROLL	£ 45.60
3	APPLEBY AND CHILDS	REFUND - DUPLICATE PAYMENT	£ 400.00
4	R F WOODWARD	CEMETERY TREE WORK	£ 450.00
5	A & R WINDOWS	CHAPEL WINDOW REPAIR	£ 135.00
6	SOMERSET COUNCIL	BUS SHELTER LICENSE FEE - REPORT	£ 165.00
	<b>TOTAL</b>		<b>£ 1,957.44</b>

**RESOLVED:** To **APPROVE** the February payment schedule and for 2 councillors to approve the payments at the bank.

**ACTION: Cllrs Brown and Bartlett**

## 23/180 Finance – To **APPROVE** the asset register and insurance provision 2024-25.

It was agreed to bring the Asset Register back to the next meeting for approval once all of the items had been visually checked.

**ACTION: Cllrs Brown and Dalton-Leggett**

## 23/181 Finance – To **APPROVE** the Risk Management Scheme 2024-25.

**RESOLVED:** To **APPROVE** the Risk Management Scheme for 2024-25.

## 23/182 To consider a **MOTION:**

Mudford Parish Council calls upon NHS Somerset to abandon any plans to close the Hyper Acute Stroke Care and Acute Stroke Care Units at Yeovil District Hospital and to transfer these units to Musgrove Park Hospital, Taunton, recognising the detrimental effect that such plans will have on the safety, health and well-being of the people of Mudford and surrounding area; and instructs the

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Clerk to write to the CEO of NHS Somerset, Peter Lewis and the NHS Somerset Engagement Team to this effect.(Cllr Dalton-Leggett).

**RESOLVED:** To **APPROVE** the MOTION.

**ACTION: Clerk**

## **23/183 To receive Councillor reports<sup>1</sup>.**

Cllr Dalton-Leggett reported from a recent HR meeting where the appraisal process was agreed, based on the recommended SLCC process. Timescales and an overview of the form that the appraisal would take was also briefed.

Cllr Bartlett briefed the PC on the steps required towards fighting the Primrose Lane Planning Application and requested the inclusion of some items for the next agenda.

## **23/184 To receive the Parish Clerk's report and any correspondence.**

1. Somerset Council Ranger price increase 24-25
2. SLL Parish Letter & Quotation
3. Quicksilver Community Group - Letter to Councils affected by YDH Proposals
4. Yeovil LCN email, minutes from meeting on 25 Jan 24 & Asset and Service Devolution slides
5. Hedgehog Highway Project
6. LPA & LVA Appeal submissions regarding non-determination of 22/00695/OUT

**Noted.**

## **23/185 Items for the next agenda.**

- To consider quotes for clearing a ditch.
- To approve the Asset Register and Insurance provision.
- To approve the engagement of a solicitor and agree a spend limit for legal advice relating to Primrose Lane Housing development.

**23/186 Date of next meeting** – 28 March 2024 (Cllrs to note – all agenda items to be notified to the Parish Clerk by Monday 18 Mar 2024).

**21:07 – Meeting closed.**

**23/175 (cont.)23/02119/OUT.** Rosemary Cottage, Main Street, Mudford, Somerset, BA21 5TE

<b>1. Support the granting of permission</b>	
Please explain the main grounds on which you support the proposal:	
<b>2. Object to the granting of permission</b>	
Please explain the main grounds on which you object to the proposal:	
After a site visit by MPC, it was agreed there was sufficient concern to object to this proposal due to 1) Narrow entrance with poor visibility onto dangerous main A road 2) Access for emergency vehicles 3) Building on land that would impact the linearity of Mudford Village 3) The impact on Listed Building and adjacent properties hasn't been considered.	

<b>Material Considerations</b>	<b>Explanation of Grounds</b>
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<sup>1</sup> *N.B Councils cannot lawfully decide items of business that is not specified in the summons/agenda (LGA1972 Sch 12, paras 10(2)(b) and Longfield Parish Council v Wright (1918) 88 LJ Ch 119).*

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1. Overlooking, loss of privacy or overbearing/overshadowing nature of proposal	
2. Design & appearance, impact on public visual amenity	
3. Layout & density of building	The development is situated within a rear garden using existing access off the main A359. This goes against the design statement for Mudford which is a linear village. Recent new developments, such as Deacons Lane, effecting linearity of the Mudford village, have only ever been built on 'brownfield' land. The site is insufficiently suitably screened to ensure no loss of amenity to adjoining areas.
4. Effect on listed buildings and/or conservation areas	It would have a very detrimental effect on the amenity and privacy of adjoining houses and Trinity House (50243) listed grade II (North of Rosemary). How will the design incorporate windows that would not directly overlook the adjoining three properties, in particular bathroom windows in Trinity which are not 'frosted' ? The new build will NOT be concealed from nearby listed buildings.
5. Loss of trees or ecological habitats	
6. Inadequate parking and/or servicing areas	
7. Access, highways safety or traffic generation	Access to the site is off the main A359 and very narrow – less than 3m. How would emergency services gain access and turn around within the development? The access which is of poor visibility is next to a speed camera in an area where there have been numerous RTAs.
8. Noise, smells or disturbance from the scheme	
9. Flood risk	The removal of a substantial green space and addition of a new building, three garages and extended driveway will contribute to the serious existing flooding issues on West Mudford Rd and on the A359 outside the Half Moon area.
10. Other reason	
<b>3. Comments only</b>	
General Observations:	

**23/176 (cont.) 14/02554/OUT.** Land OS 9330 Primrose Lane Mudford Yeovil Somerset.

Mudford Parish Council maintains its objection to these applications on the following grounds:

- 1) In general, it appears that very little attempt has been made to address the points raised by the Parish Council and its advisers in correspondence with South Somerset District Council both before and after the Committee meetings in October 2019.
- 2) The applicant's Landscape Strategy, although containing some minor amendments to the proposals that were taken to Committee in 2019, still fails to sufficiently address the impact that the proposed development will have on the character of the local landscape, if these planning applications are approved. The Parish Council has commissioned further advice from an

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experienced landscape planner, Peter Radmall, whose report (attached) identifies serious shortcomings in the latest LVIA and environmental statement submitted by the applicant; particularly in terms of inadequate evidence being offered to support the conclusions that the applicant has relied upon in formulating the Landscape Strategy.

Based on Peter Radmall's advice, the Parish Council considers that the impact of the proposed development is severely underestimated in the submissions that the applicant has made; and that the conclusions that the applicant is drawing from inadequate evidence are misleading. I hope that, after reading Peter Radmall's report, you will ask the applicant to address all the points that Peter Radmall raises. The Parish Council reserves the right to comment in more detail on whatever further submissions the applicant might choose to make on these points.

I am asked to remind you that when this site was approved for allocation in the South Somerset Local Plan, nine years ago, the Inspector (who did not have the benefit of any sort of visualisations to guide him) saw a very clear difference between the South Yeovil SUE and the North East Yeovil SUE in terms of their likely impact on the local landscape. We still do not consider that adequate weight has been given in the proposed Landscape Strategy to the terms of Policy YV2 and paragraph 6.32 of the Local Plan's explanatory text.

- 3) We have seen no evidence on the Council's planning portal to show that the applicant has addressed the requirements relating to biodiversity net gain. Can you please let us know where we can find the applicant's submissions on this issue; and/or if that submission is still awaited?
- 4) When the applications were taken to Committee in October 2019, the applicant argued that it was not viable for the development to provide more than 15% affordable housing within the proposed development; although Policy YV2 and its supporting text in the Local Plan sets a target of 35% (with a minimum of 30%) affordable housing "to achieve the garden town aspirations of the Council for the Urban Extensions". Planning Practice Guidance has changed since the Viability Assessments were undertaken some 5 years ago; and there have been significant changes too in house prices and development costs.

We are not aware of any updated viability work associated with these planning applications; and consider it would be inappropriate to take the applications back to Committee without a thorough reassessment of the viability of providing a proportion of affordable housing that is more in keeping with the Local Plan policy.

There is now greater emphasis in the Planning Practice Guidance on transparency with such viability assessments; and transparency was somewhat lacking in the assessments made 5 years ago. The Parish Council would expect their consultant to have adequate opportunity (within reason) to examine and interrogate an updated viability assessment for the proposed development.

I attach a copy of an email I sent to the Chief Executive at South Somerset District Council prior to the Committee meetings in October 2019, highlighting a number of concerns over the viability "evidence" that was being presented to Planning and Regulation Committees at that time. Those concerns were never answered or dealt with satisfactorily; which is one of the reasons why the Parish Council sought legal advice on a judicial review.

5. We have no current information on what provision the applicant is proposing for community infrastructure associated with the proposed development, either via s.106 obligations or by other means. The extent of those obligations were not finally settled when the applications went to Committee in October 2019; but what appeared to be on offer at that time did not adequately address the impact that the proposed development would have on the Parish Council's existing facilities and other resources. May we please have some clarity on what is currently proposed in this respect, so that we can comment further?

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6. Decisions made and advice given by the County Highways authority in 2019 were based on historical data that do not properly reflect increased use of the A359 through Mudford. The Parish Council remains seriously concerned about the additional traffic that the proposed development would add to the highway network; and does not consider that this issue has been adequately addressed by the studies undertaken to date. An up to date traffic analysis needs to be undertaken on the local highway network, in order not to repeat shortcomings in the evidence and advice that was presented to the Planning and Regulation Committees in 2019.

7. In terms of sustainability, there is no obvious logic in creating a major new residential development in a location that is so far removed from the main employment areas in Yeovil. It is recognised that the proposed development includes an area designated for new employment uses; but the applicant's masterplan indicates that these will be located on that part of the site that is furthest from the main access point off the A359 Mudford Road, implying that this element of the proposed development would come in the final phase of the site's development.

How is Somerset Council proposing to ensure that the sustainability objectives in para 6.26 to 6.30 of the Local Plan are met as development proceeds? – to avoid putting unnecessary and unsustainable pressure on the local highway network; as well as further downgrading the sustainability credentials of the proposed development.

8. The Parish Council and many members of the local community are also concerned about flooding that has occurred as a result of inadequate stormwater attenuation connected with the A303 improvements. The photograph below (in which Mudford village is seen on the right hand side) gives a recent example of this. Local residents are extremely concerned that a development of the magnitude proposed at Primrose Lane risks exacerbating the problem. We intend to commission an independent hydrologist's report on the developer's proposals for stormwater attenuation; and we ask to be given the necessary time to receive that report, before these applications are taken back to Committee.



9. Concerns remain locally about the risk of Anthrax spores arising from past activity on this site being unearthed by the proposed development. The Parish Council's view is that, at the very least, any planning consent should be conditioned with a requirement that the area to the west of Primrose Lane, where the contaminating activity mainly took place, should be independently

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and thoroughly investigated before any other development is allowed to commence. The consequences of not applying such a condition are well documented in previous correspondence, to which we assume you have access; but if that is not the case, please let me know. In his final report in January 2015, the Local Plan Inspector remarked that "there is no reason to doubt that it [the Council] will continue to undertake appropriate liaison to ensure that it is completely satisfied that development to the north east of the town would not put at risk the health of residents".

10. The Parish Council remains of the view that the allocation of this site for the quantum of development that is proposed had insufficient regard to all the above factors/issues. You will recall the meetings that you and I attended, led by Simon Thornley of Figura Planning, who was commissioned by the Parish Council in 2021 to represent them on the Local Plan Review that was progressing at that time. Although the Review was overtaken by the change to a unitary authority for Somerset, that change allows your Council to take a County-wide view of the optimum locations for economic growth and the need for new housing; which I suggest would shift the focus away from a site such as the one at Primrose Lane, to other more suitable and sustainable locations.