

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Council Offices, Churchfield, Wincanton. on Wednesday 14 February 2018.**

(9.00 am - 1.20 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Hayward Burt	Henry Hobhouse (from 9.02am)
Tony Capozzoli	Mike Lewis
Nick Colbert	David Norris
Sarah Dyke (from 9.02am - until 11.40am)	William Wallace
Anna Groskop	Colin Winder

Officers:

Helen Rutter	Communities Lead
Kelly Wheeler	Case Services Officer (Support Services)
Tim Cook	Area Development Lead (East)
Simon Fox	Lead Specialist (Planning)
Dominic Heath-Coleman	Planning Officer
Andrew Tucker	Conservation Officer

Also present:

Angela Kerr	Citizens Advice South Somerset
John Nicholson	Somerset County Council
Mike Bellamy	SSDC Highway Consultant

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

37. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the previous meeting held on Wednesday 10th January, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

38. Apologies for absence (Agenda Item 2)

An apology of absence was received from Councillor Mike Beech.

39. Declarations of Interest (Agenda Item 3)

Councillors William Wallace, Anna Groskop and Mike Lewis, members of SCC (Somerset County Council), would only declare an interest in any business on the

agenda where there was a financial benefit or gain or advantage to SCC which would be at the cost or to the financial disadvantage to SSSC.

40. Date of Next Meeting (Agenda Item 4)

Members noted that the date of the next scheduled meeting of the Area East Committee would be held at the Council Offices, Churchfields, Wincanton on Wednesday 14th March at 9am

41. Public Question Time (Agenda Item 5)

There were no questions from members of the public present.

42. Chairman Announcements (Agenda Item 6)

The Chairman advised that the Annual Town and Parish Council Meeting had been postponed.

43. Reports from Members (Agenda Item 7)

There were no reports or questions from members.

44. Exclusion of the Press and Public (Agenda Item 8)

RESOLVED: that the following agenda items 9 be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under Paragraph 3: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)."

45. Historic Buildings at Risk (Confidential) (Agenda Item 9)

The Conservation Officer, with the aid of photographs, detailed a number of examples of case work relating specifically to historic buildings at risk in Area East.

The Conservation Officer responded to members' questions on points of detail regarding specific cases.

RESOLVED: that members noted the report.

46. Highways Update Report (Agenda Item 10)

The Assistant Highway Service Manager introduced his report and advised that the surface dressing sites from last year were now due to be inspected at the end of this

month. They will then be reviewed as normal. The surface dressing programme for this year will commence in May.

He referred to the list of work in the report and explained that the Shutters Hill work was still outstanding.

In response to a member's question, he confirmed that he had circulated an e-mail to members which detailed the Somerset County Council response in relation to the request to reduce the speed limit in Chilton Cantelo.

One member explained that there were a number of concerns over the A303 alongside the plans to dual the highway. He asked whether there was a liaison officer that could be contacted. The Assistant Highway Service Manager agreed to find the name of the officer dealing with the plans to dual the A303.

Another member asked for clarification over the proposed removal of the Speed Indicator Devices (SiDs) and asked what will happen to the existing stock should they be removed. The Assistant Highway Service Manager agreed to follow this up with the Traffic Engineer. During the discussion, it was suggested that the SiD's could be purchased by Town and Parish Councils or by the district council.

The Chairman thanked the Assistant Highways Service Manager for attending.

RESOLVED: that members noted the report.

47. Citizens Advice South Somerset (CASS) (Agenda Item 11)

The Chief Executive Officer of Citizens Advice South Somerset provided a presentation to members to explain the issues which CASS had been facing as well as describing future projects. Some of the details included;

- Following the changes to welfare benefits and the roll out of Universal Credit, debt had been an issue for many families as there could be a lengthy wait before entitlement is paid. She explained that the team had been working with many families to help with personal budgeting.
- Fuel Poverty was an issue and that the team had been assisting with grant applications and helping people ensure that they are on a suitable energy tariff.
- Council tax arrears were a big issue and advised that the team work closely with the council tax team at SSDC. They were also working with SSDC to help support the requirements of the new Homeless Reduction Act.
- There had not been an increase in clients, however pointed out that the clients requirements were often more complex.
- Help could be accessed through many different channels, such as Skype, e-mail or face to face. She further advised that there had been an increase in younger clients.
- She was excited to advise that there would be an employment advice evening which was being held in Yeovil.

The Chief Executive Officer explained that they are always looking for new volunteers and explained that they were supporting a team of interns.

In response to question from members, she advised that the service at the Balsam Centre was a drop-in service, rather than on an appointment basis. She also advised that data could be shared between different Citizen Advice Centres, such as between Sherborne which was in Dorset and Yeovil. She explained that they work very closely with other local offices.

Members thanked the Chief Executive Officer for attending the meeting.

RESOLVED: members noted her presentation.

48. Action List (For information only) (Agenda Item 12)

Members noted the Action List

49. Area East Committee Forward Plan (Agenda Item 13)

The Communities Lead advised that the Annual Town and Parish Council Meeting had been postponed and that the summary report would be rescheduled once a date had been set for the annual meeting.

She also advised that the Community Grant Programme report detailed on the Forward Plan should be replaced with the Area Development Plan 2018/19 and further advised that the A303 upgrade report would be removed from the Forward Plan. This was due to the consultation deadline and advised that an e-mail would be circulated to members.

Councillor Winder suggested that a report from Sports, Art and Leisure should be included on the Forward Plan to include local details on S106 and CIL contributions. Members agreed that a written report should be included on the April agenda.

Members noted the Area East Forward Plan.

50. Planning Appeals (For information only) (Agenda Item 14)

Members noted the planning appeals which had been received and dismissed.

51. Schedule of Planning Applications to be Determined by Committee (Agenda Item 15)

Members noted the Schedule of Planning Applications to be determined by Committee.

52. 17/02712/FUL - 52 Ash Walk, Henstridge (Agenda Item 16)

Application Proposal: The erection of 3 no. dwellings along with associated access and parking

The Area Lead Planning Officer presented his report to members, with the aid of a PowerPoint presentation. He explained that the application had been considered by Area

East Committee in October and that members resolved to defer the application for a traffic report to be produced by the SSDC Highways Consultant.

The SSDC Highways Consultant had now provided a report in response to this request, a copy of which was included within the agenda, which recommended that the applicant provide a traffic speed survey. Following the results of the traffic speed survey, the access arrangement had been modified very slightly and now the SSDC Highways Consultant could raise no objections regarding the application.

He advised members that since writing the report, a letter had been received from a solicitor, acting on behalf of an objector, which questioned restrictive covenants on the land, the land ownership and the certificates which had been completed on the application form. The Area Lead Planning Officer advised that the covenants were not a planning concern and that the certificates were to ensure that no land owner is prejudiced, and in this case the Area Lead Planning Officer felt that no one had been prejudiced and clarified who the owners of the land were. He also confirmed that the correct certificate had now been signed.

The Area Lead Planning Officer explained to members that additional letters of objection has been received which raised concern over the visibility splays and parking and questioned the methodology of transport/speed assessment and the impact of construction traffic. He also advised that a letter had been received from the Parish Council, which explained that they unanimously recommended that the application be refused due to highway safety concerns and design of the dwellings.

The Area Lead Planning Officer provided images to show photographs of the site and proposed plans. He confirmed that he recommended that the application be approved as detailed in the agenda report.

Mr Howard Bentley-Marchant, a representative of the Parish Council, addressed the Committee. He explained that the Parish Council unanimously agreed to recommend refusal of the planning application. He explained that the site would result in over-development of the site and had concerns over the highway safety and parking on the site. He further explained that there had been a reduction in the visitor parking spaces and suggested that visitors and delivery vans would park on the busy A30.

Mr M Player, Mr S Cullum and Mrs O'Donnell spoke in objection to the application. Their comments included;

- There is an obstructed view from the proposed access, due to the position of the brow of the hill.
- Speeding on this stretch of road is common.
- The speed assessment stated that the tubes were 40 meters from the access; however it was only 34 meters.
- Delivery drivers will park on the main A30 road as all the properties will face the highway.
- The whole village and the Parish Council are against this application. There is no benefit to the village.
- The proposal is overdevelopment of the site and will over-shadow the existing listed buildings.

- There is a covenant on the land which restricts the use for no more than one dwelling.
- There will be a loss of light to the listed dwellings on the opposite site of the road, which will result in an increase in damp.

Councillor William Wallace, Ward Member, raised concern over parking and asked the Lead Planning Officer whether the speed assessment was valid as the tubes were situated closer to the access than stated. In response to this question, the SSDC Highways Consultant confirmed that he was comfortable with the positioning of the tubes as they are often influenced by positioning of lampposts on which the data logger could be chained to. He further advised that the application was for 3 dwellings, which would only generate low traffic numbers.

Councillor Hayward Burt, also Ward Member, pointed out that only one visitor space was proposed and felt that cars would park on the A30, which was a busy major road, and close to a primary school where cars were often speeding. It was his view that the application did not satisfy SSDC local plan policies TA5 or TA6 and suggested that the application should be refused.

During the discussion, some members considered the light which would be restricted to neighbouring properties and recognised that there was little local support for the application. The use of yellow box road marking and 'keep clear' markings on the road was discussed. The Planning Lead – Specialist advised that this could not be added as a condition to the planning application.

Following the discussion, it was proposed and seconded that the application should be refused as the application site was too close to the busy A30 and did not allow adequate provision for parking.

The Planning Lead Specialist advised Members to consider carefully the reasons for refusal on highway grounds and reminded them that given the deferral of the application from the last meeting the SSDC Highways Consultant had written his report and those recommendations had been fully carried out by the applicant in commissioning a speed survey, employing an agent to assess the results and making a change to the plans. The reasons being put forward by Members in terms of parking would be difficult to sustain as it meets the guidance and the Planning Lead Specialist questioned whether Members wished to include the statement that the development did not provide safe cycle, pedestrian and public transport access. The Planning Lead Specialist advised members that in order to defend any appeal a third party Highway Consultant would be required given the clear views of the SSDC Highway Consultant.

With regards to Policy SS2 the Planning Lead Specialist reminded Members that this was an application for just three houses and referred them to the policy section of the officer's report.

On being put to the vote, this was carried 8 votes in support with 1 vote against.

RESOLVED: that planning application 17/02712/FUL be **refused** contrary to the officer recommendation for the following reasons;

1. The proposal is contrary to Policy TA6 of the South Somerset Local Plan (Adopted 2015) because the development fails to take into account the

application is on the A30 with regards to parking provision, its characteristics and accessibility.

2. The proposal fails to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addressed the needs of all contrary to Policy TA5 of the South Somerset Local Plan (Adopted 2015).
3. The proposal would compromise the safety of the local road network contrary to Policy TA5 of the South Somerset Local Plan (Adopted 2015).
4. The proposal fails to provide the benefits required by Policy SS2 of the South Somerset Local Plan (Adopted 2015) and generally does not have the support of the local community.

(Voting: 8 in support, 1 against and no abstentions)

53. 17/04176/FUL - Lavender Keepers, Great Pit Lane, Sandford Orcas (Agenda Item 17)

Application Proposal: Siting of 1 no. mobile home for agricultural worker (temporary dwelling) and alterations to access (part retrospective)

The Lead Planning Officer presented his report to members with the aid of a PowerPoint presentation. The presentation included plans to show the proposed siting of the mobile home as well as photographs to show the site.

He explained that the applicant had argued that it was essential that he lived on site in order to support the business. The Area Lead Planning Officer explained that planning policy guidance recommended that certain criteria needed to be met. In this case, whether there was a functional need for the worker to remain on site and whether the business was viable. A consultant had been employed to assess the site. The financial test confirmed that the business could be viable; however the functional requirements had not been met and that advised that a worker would only be required a full time presence on site during farrowing events. He therefore recommended that the application be refused.

Mr H Williams spoke in support of the application. He advised that he was a qualified agriculturist and knew the applicant. He explained how the applicant was hard-working and was committed to the business, which he described as being a niche product which required a high standard of work. He pointed out that the Parish Council supported the application.

Mrs J Montgomery, the agent, addressed the members. She advised that the business was financially sound and advised that the council recognises that a full time member of staff was required. She advised that the calculations contained within the agricultural report do not take into account that sows do not always start farrowing on time and argued that a member of staff should be on site for 7 days per farrowing, this would equate to 60 weeks per year. She explained to members that adverse weather and damage to fences occur and that this was a labour intensive business.

Mr J Hull, the applicant, addressed the Committee. He described examples of times where piglets had died or had disappeared and explained that this would have been less likely to have happened if he lived on site. He further explained that he has been the victim of burglaries and that fences have been damaged. He advised members that this is affecting both his and his livestock's welfare and whilst he lives off-site, he finds getting insurance difficult.

Councillor Mike Lewis, Ward Member, advised that he had agricultural experience which included keeping pigs and offered his support to the application. He also pointed out the owner of the adjoining land offered support.

During the discussion, members noted that the application was for the temporary siting of a mobile home rather than for the permanent siting.

Following the short discussion, it was proposed and seconded that the application be approved, contrary to the officer recommendation, subject to conditions to ensure that the mobile home is removed after three years, that suitable landscaping on the site remains and that the mobile home could only be occupied by persons involved in agriculture.

On being put to the vote, this was carried unanimously.

RESOLVED: that planning application 17/04176/FUL be **approved**, contrary to the officers recommendation for the following reason;

01. The proposal is considered to have satisfied the functional requirements for a temporary agricultural workers dwelling and the overall scheme is considered to respect the character of the local landscape and results in no demonstrable harm to visual or residential amenity or highway safety in accordance with the aims and objectives of policies SD1, SS1, HG9, TA5, TA6 and EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91 (1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 17153-1A received 18 October 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The temporary dwelling hereby permitted shall be removed and the land restored to its former condition within three years of the date of this permission.

Reason: Permission was granted on a temporary basis in order to give sufficient time to demonstrate that the planned agricultural enterprise is economically viable in accordance with policy HG9 of the local plan.

4. Any trees or plants, recently planted on the southern boundary of the holding, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area and to accord with policy EQ2 of the South Somerset Local Plan, 2006.

5. The occupation of the dwelling shall be limited to a person solely or mainly working in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants.

Reason: The LPA would not have been prepared to grant permission for a new dwelling in this countryside location except for the essential need for the appellant to live permanently on site, in accordance with policy HG9 of the South Somerset Local Plan and the aims and provisions of the NPPF.

6. The accommodation hereby approved shall only be provided within a caravan as defined by Caravan Sites and Control of Development Act 1960 (as amended).

Reason: to determine the scope of the permission.

(voting: unanimous)

54. Planning Enforcement - West Farm, West Mudford, Yeovil (Agenda Item 18)

The Lead Specialist (Planning) presented his report to members. He explained that he was seeking the view of the Committee as a way forward in ensuring that the enforcement notice would be complied with whilst highlighting the potential consequences for the business which operated on the site.

He summarised the planning history of the site and detailed the agreed land use following a certificate of lawfulness application. He explained that the most recent planning application was refused for highway/access considerations and the lack of flood risk information, as the area is known to flood. At the same time, an enforcement notice, which required the business use to cease within 3 months, was also issued to the applicant. However, he added that a planning appeal had been submitted, and subsequently dismissed after approximately a year, therefore extending the enforcement period for the business to cease to the later date of February 2018.

He advised that the applicant had been unable to find a suitable site to move the business to, and suggested that he would like the view of Committee in order to progress with compliance of the enforcement notice.

He also summarised some of the written views of the local residents and the Parish Council and confirmed that they had been contacted for their comments on the enforcement appeal and to make them aware that the case would be discussed today.

He summarised the suggested four potential options which were detailed in his report.

Mr T Cavalier, the Vice Chairman of Mudford Parish Council addressed the Committee. It was his view that the three months which the applicant was given to find an alternative site was long enough and that the enforcement notice should be carried out without delay. He explained that the applicant has had closer to a year to find alternative premises. He also explained that, in his view, there were fewer employees than the applicant had specified and questioned the licensing and vehicle insurance validity whilst operating under an enforcement notice.

Ms L Dennett, Mr V Willis and Mr B Mathews spoke in objection to the extension of time to the enforcement notice. Their comments included;

- The HGV's are dangerous for walkers that use the lane.
- The verges are being damaged and there are few places for lorries to pull in along the lane. There are concerns for safety.
- The Planning Inspector walked along the road and agreed that it was dangerous and refused the application.
- The road forms part of the Monarch Way.
- This has been on-going for 16 months.
- There are not as many employees as specified.
- The applicant should not have moved his business to the site without gaining planning permission. They took a risk in moving.
- The residents are looking for commitment from SSDC for closure of this on-going issue.
- Residents feel let down as they have worked closely with SSDC and the Parish Council.

Mr N Eden, addressed the Committee to offer his support to extending the time limit before enforcement action is implemented. He explained that the applicant has done all that has been possible to look for an alternative site for his business. This has included having help from SSDC and has made numerous visits to potential sites, however none of which have been suitable. He explained that if the business is forced to cease, he will lose his operating licence and re-applying can be a timely process. If this happens, he will be unable to pay his 16 full-time workers, some of which have worked there for over 20 years. He hoped that a moderate extension to the enforcement notice would enable the applicant to find new premises.

Mr P Gunning, the applicant, addressed the Committee. He advised that his original planning application was not heard by the Committee and that he had no opportunity to express his case. He explained that if his business ceases, many of his employees will be out of work. He pointed out to members that once a suitable site is found, applying for operating licenses was another consideration that would take time, often up to six months. The new site must also be close to existing site to allow staff to continue working for the company. He further confirmed that the business and the vehicles were all insured and that his courteous drivers do not damage the verges.

Councillor Tony Capozzoli, Ward Member, explained that he normally offers support to businesses; however this business did not have the necessary planning applications and was in the wrong place. He felt that this had been on-going for too long.

During the discussion, some members commented that it would be unreasonable to close down a business. Another member advised that sympathy should be given for the applicant as it was not the applicant's fault that the appeal took nearly a year to determine.

The Lead Specialist (Planning) advised that vehicle licensing was not a planning consideration and could not confirm whether there were any licensing issues on the site or not. In response to another question, he explained that should members wish that the enforcement notice be issued without delay, it would not be issued immediately and would take a small amount of time.

Members expressed that they would like assurance that should a time extension be granted for compliance, that the enforcement notice would be issued straight away. The Lead Specialist (Planning) confirmed that some of the work could be carried out in preparation, before the end of the time extension.

Following the discussion, it was proposed and seconded that members grant a 4 month extension to the enforcement notice for items a – b of the officer report and for 6 months to items c – e of the officer report, from the 3rd February 2018, which was the initial compliance date set by the Planning Inspector. (Option 1 as detailed in the agenda report)

On being put to the vote, members recommended to the Lead Specialist (Planning) that an extension be granted to the periods for compliance with the served enforcement notice for 4 months for items a – b and for 6 months to items c – e as detailed in the agenda report with 7 votes in support and 2 against. (Option 1 as detailed in the agenda report).

The Enforcement Notice requires:

- a) cease the use of the site as a vehicle haulage contractor's yard,
- b) cease the use of the workshop for the manufacture of concrete products,
- c) remove the hard surfacing in the extended area of yard,
- d) restore the extended yard area to its former condition, and
- e) remove all vehicles and associated non-agricultural paraphernalia from the adjacent field.

(voting: 7 in support and 2 against, with 0 abstentions)

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Chairman