

## South Somerset District Council

**Minutes of a meeting of the Area East Committee held at the Committee Room (Area East) - Churchfield on Wednesday 10 April 2019.**

(9.00 - 10.40 am)

**Present:**

**Members:** Councillor Nick Weeks (Chairman)

Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke  
Anna Groskop

Henry Hobhouse  
Mike Lewis  
William Wallace  
Colin Winder



**Officers:**

Kelly Wheeler  
Steve Barnes  
Jacqui Churchill  
Simon Fox  
Angela Kerr

Case Services Officer (Support Services)  
Play and Youth Facilities Officer  
Case Officer  
Lead Specialist (Planning)  
Chief Executive, Citizens Advice South Somerset

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

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### **18. Minutes of Previous Meeting (Agenda Item 1)**

The minutes of the previous meeting held on Wednesday 13<sup>th</sup> March 2019, copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

The Chairman advised that the minutes of the previous meeting detailed that Committee had requested that the Development Control Team provide a response to concerns raised at the March meeting in relation to specific enforcement cases within Area East. He was disappointed that no response had been received, however he advised that the Lead Specialist (Planning) would be happy to discuss the issue after the meeting.

The Chairman also asked whether a letter had been sent to RNAS Yeovilton to request that the flooding issues around Bridghampton, close to the airfield, were addressed. The Locality Team Leader advised that the letter had now been resent to the correct address.

One member advised that a road traffic accident had occurred close to an enforcement site in Pitcombe and explained that the Parish Council would be keen to receive an update on the current situation of the enforcement case in Pitcombe where an unauthorised field access had been made.

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### **19. Apologies for absence (Agenda Item 2)**

An apology of absence was received from Councillor David Norris.

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**20. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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**21. Date of Next Meeting (Agenda Item 4)**

Members noted that the date of the next meeting of the Committee would be at the Council Offices, Churchfields, Wincanton on Wednesday 12<sup>th</sup> June at 9am.

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**22. Public Question Time (Agenda Item 5)**

A member of the public addressed the Committee to explain issues which he was experiencing in Mudford due to an on-going enforcement complaint. He explained that he had last attended an Area East Committee meeting on Wednesday 14<sup>th</sup> February 2018, shortly after a decision had been made by the Planning Inspectorate to refuse an extension period to allow the use on the site to continue. At that meeting, members agreed that the business owner should be given a 4 month deadline to allow him to relocate and cease operations on the site. This was to avoid any financial loss to the business owner. He further explained that, as suggested at the meeting in February 2018 by the Development Control team, the additional four months extension period would allow the team to work with the Legal team to prepare all the necessary paperwork to avoid any further delay in taking enforcement action.

He asked several questions to include,

- Why hadn't the paperwork been prepared within the four months time extension?
- Why had further planning applications been considered on the site and why it had not been recorded in the minutes that no additional planning applications should be considered on the site?
- When can he expect a reply to his letter dated 10<sup>th</sup> August 2018?
- Is diversification of the business and the condition of the road monitored?

He added that he had CCTV footage which shows the dangerous use of the road, should members wish to view it. A copy of his letter dated 10<sup>th</sup> August 2018 was passed to Case Service Officer, who agreed to circulate this to members.

The Chairman pointed out that this would be the last meeting of the Committee before the district elections being held in May. He wished luck to all of those that were standing in the elections and also thanked those that were not standing again.

Another member thanked the Chairman for his support and for chairing the meetings and thanked the other members of the committee for any work which they have taken on.

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**23. Chairman Announcements (Agenda Item 6)**

There were no announcements from the Chairman.

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## **24. Reports from Members (Agenda Item 7)**

There were no reports from members.

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## **25. Citizens Advice South Somerset (CASS) (Agenda Item 8)**

The Chairman welcomed Angela Kerr, Chief Executive Officer, Citizens Advice South Somerset (CASS) to the meeting.

With the aid of a PowerPoint presentation she informed members of the work and future development of Citizens Advice South Somerset. Points mentioned during her presentation included the following:

- There was an advice service held weekly in Wincanton. Two advisers provided advice for one day a week.
- CASS were spending a large amount of time supporting clients in Area East who were struggling to have their personal independence allowances renewed.
- Clients struggling and dealing with debt issues was also a common problem.
- People were able to get advice and support through e-mail, phone, texting and face to face. Face to face advice continues to be valuable.
- The service has increased its involvement with elderly and vulnerable clients due to more people living independently for longer. The types of issues being dealt with included financial safeguarding, management of money and mate crime. She advised that a conference had been held this year to encourage 'joining up people on the ground'.
- The CASS are continuing to distribute winter heating grants.
- Funding had been secured from the Lloyds Foundation, a national trust.
- There is a partnership with Yeovil College offering services for students.
- A specialist service assisting people with acute mental health support needs during their recovery and resettlement was provided.
- There was advice and service available for people living with cancer. CASS had a partnership with McMillan Cancer Support. Grants were often provided for travel expenses incurred during cancer treatment.
- Employment and legal advice was being provided for clients and sometimes for employers.
- The team help to address debt issues for clients in housing need in partnership with SSDC.
- There are 55 volunteers within the team. These are fully trained and supervised at all times. Each provide on average 6 – 7 hours per week.
- There had been some recent cuts to the core funding from Somerset County Council. This initially came as a huge setback, however the advice service has been remodelled and can continue to provide a service, through greater collaboration with other Citizens Advice teams.
- Clients in need of benefit support through Universal Credit were facing delays in the first payment if they were new to the scheme or had a change in circumstance. Help to Claim was a new service across the country funded centrally through the Citizens Advice Network.

She responded to questions from members. She agreed that transport and travel costs was a concern and that face-to-face support was a necessity for some clients.

The Chairman thanked her for attending the meeting. Members agreed that CASS provided an invaluable service and hoped that funding would continue from SCC and SSDC.

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**26. Planning Appeals (For Information Only) (Agenda Item 9)**

Members noted the planning appeals which had been determined.

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**27. Area East Committee Forward Plan (Agenda Item 10)**

Members noted the Area East Forward Plan. Members also agreed that a Planning Enforcement report should be included on the Area East Forward Plan for the June meeting.

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**28. Schedule of Planning Applications to be Determined by Committee (Agenda Item 11)**

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

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**29. 18/03282/S73A - Land at Cabbage Lane, Horsington (Agenda Item 12)**

***Application Proposal: Application to vary condition 6 of approval 16/04084/FUL to allow retail sales from the premises.***

The Case Officer presented her report to Members. She explained that the application was to amend a condition of a previously approved permission to allow sales of goods from the premises.

She explained that her recommendation was contrary to the views of the Parish Council and some neighbours. She also advised that since the report had been published, a further letter of objection had been received. She further explained that she had suggested an amendment to condition 5 of the published report, to seasonally restrict sales from the premises; with sales occurring between March and October only. She added that this would make the condition more enforceable.

Using a PowerPoint presentation she provided slides to show the location of the site and photographs taken on and close to the site, including the access. She added that the site was situated approximately 0.8 miles from the A357. She also provided an image to show the proposed area of sales, which was indicated by a red hatched area on a site layout plan. This was a total area of 115 square meters.

She informed members that permission had been granted in 2016 for two polytunnels, a shade tunnel, a barn and an access track. Condition 6 restricted retail sales in the interest of retail safety and sustainability.

She advised members that a letter of support had been received and 8 letters of objection. A petition, containing 21 signatures, had been received in objection to the

application. The objections raised concern over highway safety and that the nursery could turn into a garden centre.

She explained that the applicants' agent had provided a letter in which he specified that there would be between approximately 2 and 5 additional car movements to the site each day. On reviewing this, the highways authority had raised no objection to the application. She was recommending that the application be approved as detailed in her officer report, with an amendment to condition 5 to seasonally restrict sales from the site.

A member of the public spoke in objection to the application. His comments included;

- The site was on a single-track road. There have been several traffic incidents.
- On the 18<sup>th</sup> January, the highways authority wrote a letter saying that there should be no further traffic on Cabbage Lane. Following receipt of a letter from the applicant's agent, which contained nothing new, the highways authority no longer objected.
- The letter states that there will be 2-5 visits per day, however if this related to wholesale clients, then there is no mention of how many addition members of public will visit each day.
- A large car parking area has recently been constructed. This will hold 20 or so cars. He suggested that this could be for retail purposes.
- If the business is successful, there will be no restriction on the number of visitors.

The applicant addressed the Committee. She explained that horticulture was important for the family and it had been their dream to run their own nursery. She further explained that this was a unique site and that their customers were limited to experienced gardeners and garden designers that were seeking unusual plants. She advised that they work hard to run the business in the most environmentally friendly and sustainable way as possible. Sales were essential to make the business viable. The alternatives would be to trade as a wholesale or online business, both of which could generate an increase in traffic. They hoped to be able to provide local employment in the future, as well as being able to host education visits from local schools.

Councillor Hayward Burt, Ward Member, spoke in objection to the application. He felt that this was not the correct location for this proposal. He referred to comments made by the highway authority in their earlier letter, quoting that the road was very narrow and poorly aligned. He added that there were blind bends on the road. He explained that it was difficult to quantify the number of vehicle movements generated by this application. He felt that an increase in traffic would be detrimental to highway safety and felt that this application should be refused.

Councillor William Wallace, also Ward Member, advised that he concurred with the comments made by Councillor Hayward Burt. He added that the road was often used by horse-riders as there was a riding school further along the narrow lane. He pointed out that the Parish Council had raised objection to application and he felt that local knowledge and views should be considered. He added that he would like to offer support to the rural business, but this would be detrimental to road safety.

The applicant added that they were not a wholesale nursery, and that this not their intention. She also added that the car park was constructed to ensure that visitors could turn around within the site to ensure that the road was not obstructed.

During the discussion, one member commented that the highways authority had raised no objection to the application and that their professional advice should be considered. It was also pointed out that the nursery was already there and that the application would help the business survive.

In response to a question from a Member, the Case Officer advised that the access had been approved through a previous consent. She also advised that it would be very difficult to restrict the number of visitors to the site, however explained that sales would be restricted to a small area within the site and to restrict to the sale of plants grown on the site only. She also reminded members that she had suggested a seasonal restriction to allow sales from March through to October only. She felt that this would be easier to enforce.

In response to a further question from a member, she confirmed that the permission would not be restricted to this business only, and that the permission was specific to the site.

Members discussed whether a seasonal restriction or a day/time restriction, as detailed in the report, was more suitable. It was also suggested that an informative could be added to confirm that the use was for four days a week, however it was subsequently agreed that this should not be added.

It was proposed and seconded that the application should be approved as detailed in the agenda report.

On being put to the vote, this was carried 6 votes in support and 2 against, with no abstentions.

**RESOLVED:** that planning application 18/03282/S73A be approved as per the officer report for the following reason;

01. The proposal to vary the condition to allow ancillary sales from the site would not be harmful to visual amenity, the character of the locality or highways safety and would not be prejudicial to the vitality and viability of the town centre. As such the proposal complies with policies EQ2, EP4, EP11, TA5 and TA6 of the South Somerset Local Plan 2006 - 2028 and the policies contained within the National Planning Policy Framework 2019.

**Subject to the following conditions;**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from April 2017.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

TD813-02B, Plan 1, and Plan 2 received 22 September 2016

TD813-05A received 04 October 2016

Drawing number 18151 - 1 - Proposed Site Plan received 08.10.2018

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

03. The storage building hereby approved shall not be used for the accommodation of livestock, for the storage of slurry or sewage sludge, or for storing fuel for or waste from a biomass boiler or an anaerobic digestion system without the prior written consent of the local planning authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

04. There shall be no retail sales from the site, except for plants grown at the site from a maximum gross area of 115 square metres as shown by the hatched area on Drawing 18151 - 1. No other goods, equipment or services shall be sold, exhibited, displayed, demonstrated or promoted without the prior express grant of planning permission.

Reason: To determine the scope of the permission and in the interests of highway safety and sustainability, and to comply with policies EP11, EQ2 and TA5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

05. The retail use shall only take place during the following hours: 9.30am - 7.30pm on Wednesday - Friday and 10.00am - 4.00pm on Saturdays between 1st March - 31st October each year.

Reason: In order to determine the scope of the development permitted and avoid the introduction of a non conforming retail use in accordance with policy EP11 of the South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.

06. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to a point the nearside carriageway edge 43m to the north east side of the access. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

07. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety, in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-28

08. The proposed drainage methods as previously agreed as part of application 17/0228/DOC shall be installed within three months of the date of this decision and shall be retained and maintained thereafter.

Reason: In the interests of highway safety and to prevent water discharging onto the highway in accordance with policies TA5 and TA6 of the South Somerset Local Plan 2006 -28.

(voting: 6 votes in support, 2 against)

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Chairman