

**Regulation Committee**  
**Thursday 2 March 2017**  
**2.00 pm Luttrell Room - County Hall,**  
**Taunton**



To: The Members of the Regulation Committee

Cllr A Bown, Cllr Coles, Cllr D Loveridge, Cllr D Hill, Cllr T Lock, Cllr D Ruddle, Cllr T Venner, Cllr N Woollcombe-Adams (Vice-Chairman) and Cllr D Yeomans (Chairman)

Issued By Julian Gale, Strategic Manager - Governance and Risk - 22 February 2017

For further information about the meeting, please contact Michael Bryant on 01823 359048 or [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda **including public speaking at the meeting.**

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



**RNID typetalk**

## **AGENDA**

Item Regulation Committee - 2.00 pm Thursday, 2 March 2017

**\*\* Public Guidance notes contained in agenda annexe \*\***

1 **Apologies for Absence**

2 **Declarations of Interest**

3 **Accuracy of the Minutes of the meeting held on 2 February 2017** (Pages 7 - 10)

The Committee will consider the accuracy of the attached minutes.

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about the matters on the agenda for this meeting will be taken at the time when the matter is considered and after the Case Officers have made their presentations. Each speaker will be allocated 3 minutes. The length of public question time will be no more than 30 minutes.

5 **Importation and deposition of construction, demolition and subsoil waste to re-contour land, Maperton, Wincanton, BA9 8EH** (Pages 11 - 42)

6 **Development of a Waste Management Facility at Green Ore Farm, Green Ore, Wells, BA5 3EP** (Pages 43 - 66)

7 **Erection of a Single Storey Modular Building at Neroche Primary School, Broadway, Ilminster, TA19 9RG** (Pages 67 - 84)

8 **Erection of a vent stack, Love Lane, Burnham on Sea** (Pages 85 - 98)

9 **Any Other Business of Urgency**

The Chairman may raise any items of urgent business.

## Regulation Committee – Guidance notes

### 1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Michael Bryant, Tel: (01823) 359048 or 357628, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

### 2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

### 3. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Michael Bryant, Tel: (01823) 359048, Fax (01823) 355529 or Email: mbryant@somerset.gov.uk

### 4. Public Question Time

At the Chairman's invitation you may ask questions and/or make statements or comments about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about the matters on the agenda for this meeting will be taken at the time when that matter is considered.

The Chairman will usually invite speakers in the following order and each speaker will have a maximum of 3 minutes:

1. Objectors to the application (including all public, parish council and District Council representatives)
2. Supporters of the application (including all public, parish council and District Council representatives)
3. Agent / Applicant

Where a large number of people are expected to attend the meeting, a representative should be nominated to present the views of a group. If there are a lot of speakers for one item than the public speaking time allocation would usually allow, then the Chairman may select a balanced number of speakers reflecting those in support and those objecting to the proposals before the Committee.

Following public question time, the Chairman will then invite local County Councillors to

address the Committee on matters that relate to their electoral division.

If you wish to speak either in respect of Public Question Time business or another agenda item you must inform Michael Bryant, the Committee Administrator **by 12 noon on the last working day prior to the meeting (i.e. by 12 noon on the Wednesday before the meeting)**. When registering to speak, you will need to provide your name, whether you are making supporting comments or objections and if you are representing a group / organisation e.g. Parish Council. Requests to speak after this deadline will only be accepted at the discretion of the Chairman.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

Comments made to the Committee should focus on setting out the key issues and we would respectfully request that the same points are not repeated.

The use of presentational aids (e.g. PowerPoint) by the applicant/agent or anyone else wishing to make representations to the Committee will not be permitted at the meeting.

An issue will not be deferred just because you cannot be present for the meeting.

The Chairman will decide when public participation is to finish. The Chairman also has discretion to vary the public speaking procedures.

**Remember that the amount of time you speak will be restricted, normally to three minutes only.**

## **5. Substitutions**

Committee members are able to appoint substitutes from the list of trained members if they are unable to attend the meeting.

## **6. Hearing Aid Loop System**

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we need to provide you with a small personal receiver. Please request one from the Committee Administrator and return it at the end of the meeting.

## **7. Late Papers**

It is important that members and officers have an adequate opportunity to consider all submissions and documents relating to the matters to be considered at the meeting, and for these not to be tabled on the day of the meeting. Therefore any late papers that are to be submitted for the consideration of the Regulation Committee, following the publication of the agenda/reports, should be sent to the Service Manager – Planning Control, Enforcement and Compliance (Philip Higginbottom) via [planning@somerset.gov.uk](mailto:planning@somerset.gov.uk) in respect of Planning and Town and Village Green items, and to the Senior Rights of Way Officer (Richard Phillips) in respect of Rights of Way items, and should be received no less than 48 Hours before the meeting.

## **8. Recording of meetings**

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

This page is intentionally left blank

**REGULATION COMMITTEE**

Minutes of a Meeting of the Regulation Committee held in the Wyndham Room - County Hall, Taunton, on Thursday, 2 February 2017 at 2.00 pm

**Present:** Cllr A Bown, Cllr Coles, Cllr D Loveridge, Cllr T Lock, Cllr D Ruddle, Cllr T Venner, Cllr N Woolcombe-Adams (Vice-Chairman) and Cllr D Yeomans (Chairman)

**Other Members present:** None

**Apologies for absence:** Cllr D Hill

**215 Declarations of Interest - Agenda Item 2**

Cllr A Bown	Member of Sedgemoor District Council
Cllr S Coles	Member of Taunton Deane Borough Council
Cllr T Lock	Member of South Somerset District Council Member of Yeovil Town Council
Cllr D Loveridge	Member of Sedgemoor District Council Member of Bridgwater Town Council
Cllr D Ruddle	Member of South Somerset District Council Member of Somerton Town Council
Cllr T Venner	Member of West Somerset District Council
Cllr N Nigel Woolcombe-Adams	Member of Mendip District Council
Cllr D Yeomans	Member of South Somerset District Council Member of Curry Rivel Parish Council

**216 Accuracy of the Minutes of the meeting held on 8 December 2016 - Agenda Item 3**

The Chairman signed the Minutes of the Regulation Committee held on 8 December 2016 as a correct record.

**217 Public Question Time - Agenda Item 4**

There were no public questions on matters falling within the remit of the Committee that were not on the agenda. Questions or statements received about matters on the agenda were taken at the time the relevant item was considered during the meeting.

**218 Installation of Generator and Gas Compressor, Williton Landfill Site - Agenda Item 5**

(1) The Case Officer with reference to the report, supporting papers, and the use of maps, plans and photographs outlined the application for the installation of a generator and gas compressor at Williton Landfill site.

The Case officer informed the Committee that: the application site was in a valley, alongside a workshop; that the landfill had been used to deposit non-hazardous waste until since 2007; that landfill gas would be used to generate electricity for both use at the site and for any surplus to be exported; and that the gas is currently burned using the sites flare, meaning that if today's application were granted permission, no significant difference to air quality was expected.

The Case Officer also highlighted that the site had been granted permission for the installation of a generator in August 2002, but this was not implemented. The Committee were further informed: of the application sites proximity to the Quantock Hills Area of Outstanding Natural Beauty; that the Quantock Hills ANOB Service had highlighted that the proposed development must not be detrimental to the ANOB's special qualities; that the National Planning Policy Framework included protection for ANOB's; that the site was to the east of Williton; was 560m from the nearest residential property; and was screened by the landform and hedgerows.

(2) The Committee heard from Mr Andrews, a local resident, who referenced the Late Paper (Quantock Hills AONB team's consultation response) and spoke against the recommendations, and raised a number of points including: that he had been a local resident since 2008; that he was an enthusiastic walker; that the Coleridge Way and South West Coastal Path would be affected by the development; that the generator would produce greenhouse gasses; and that the development offered no benefit to local residents.

(3) The Committee heard from Cllr Hugh Davies, local Member, who raised a number of points including: that Williton is a village, not a town as included in the report; that the local Parish Council had not objected to the application; but that he felt sympathy for Mr Richards, and the points he raised.

(4) The Committee proceeded to debate during which a number questions were asked by Members to which the Case Officer replied. This included: why landfill operations have stopped at the site; the potential amount of electricity which could be generated; the duration for which electricity could be generated; the removal of trees planted to screen the landfill when operational; and responsibility for noise monitoring.

(5) The Service Manager – Planning Control, Enforcement and Compliance informed the Committee that additional monitoring could take place should any concerns regarding noise be raised.

(6) Cllr Tony Lock proposed the recommendations detailed in the officer report, and this was seconded by Cllr Nigel Woollcombe-Adams.

(7) The Committee resolved in respect of planning application no. 3/39/16/022



that planning permission be GRANTED subject to the conditions set out in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

219 **Any Other Business of Urgency** - Agenda Item 6

**(The meeting ended at 2.28 pm)**

**CHAIRMAN**

This page is intentionally left blank

Somerset County Council

Regulation Committee – 2 March 2017

Report by Service Manager

Planning Control, Enforcement & Compliance: Philip Higginbottom

---

*Application Number:* 16/05249/CPO

*Date Registered:* 24 /11/2016

*Parish:* Maperton PC

*District:* South Somerset District Council

*Member Division:* Blackmoor Vale

*Local Member:* Cllr William Wallace

*Case Officer:* Mrs Laura Horner

*Contact Details:* [lahorner@somerset.gov.uk](mailto:lahorner@somerset.gov.uk); 01823 357378

*Description of Application:* **Importation and deposition of construction, demolition and subsoil waste to re-contour land to improve the slope gradient of agricultural field**

*Grid Reference:* **366994 - 126782**

*Applicant:* Hopkins Developments Ltd

*Location:* Land at Maperton Ridge, Maperton Road, Maperton, Wincanton, BA9 8EH

## **1. Summary of Key Issues and Recommendation(s)**

**1.1 The proposed development is for the re-contouring of agricultural fields with demolition waste and subsoil. The main issues for consideration are:**

- Compliance with Development Plan policies**
- Location**
- Whether the improvement is effective for agricultural purposes.**
- Highway Impacts.**
- Amenity Impacts (i.e. Noise and Dust)**
- Landscape and Visual impact**
- Ecological Impacts**
- Water quality and surface water management**

**1.2 It is recommended that planning permission be REFUSED for the following reasons:**

**The proposal is contrary to Waste Core Strategy policy WCS4 because it has not been demonstrated that**

- The waste cannot be managed in a more sustainable way through diversion up the waste hierarchy**

- That the proposal allows the land to be used more effectively for agricultural purposes
- That the proposal uses the minimum amount of waste necessary to achieve the stated purpose.

The proposal is contrary to Waste Core Strategy Policy WSC2 because the application has:

- not demonstrated that the material proposed for disposal cannot be re-used or recycled;
- the proposal does not have clear benefits to the local community and environment.

The proposal is contrary to Policy DM1 (Basic Location Principles) of the Somerset Waste Core Strategy. This is a greenfield site and a clear environmental or community benefit has not been demonstrated by the proposal.

It has not been demonstrated that mud will be effectively prevented from entering the highway and therefore is contrary to policy DM6 of the Somerset Waste Core Strategy.

It has not been demonstrated how dust will be effectively prevented from egressing the site and therefore is contrary to policy DM3 of the waste Core Strategy.

It has not been demonstrated that protected species and flora will not be affected by the proposals and is therefore contrary to Policy EQ4 of the South Somerset Local Plan.

## **2. Description of the Site**

- 2.1 The site is part of a parcel of land located within the village of Maperton, 6km to the west of Wincanton, 150m from Dancing Cross. The site sits on a south facing slope, bounded by hedgerows along its northern and eastern sides. The application site forms the north-eastern part of a wider field that is generally used for arable crops when not in alternative use for agricultural rotational practices. The application site comprises of 4.35 hectares of land within the larger field. There is no existing access to the site. The site lies on a slope.
- 2.2 The majority of surrounding land is in agricultural use. There are also a small number of residential properties found in the surrounding area, situated to the east, north east, south and south east of the site.
- 2.3 The northern boundary of the site is bounded by the old A303. The new A303 dual carriageway lies immediately north of this road. Whilst there is an exit from the A303 at Dancing Cross located to the east of the site, this has a height restriction preventing HGV from using this access. To the south, Maperton Lane is a narrow unclassified lane leading to the centre of Maperton half a mile to the south.

Alternative routes egressing and entering the A303 (T) are at Blackford Hollow 1 mile to the west of the site and the Wincanton junction 5km away via A371, A357, Anchor Hill and Horton.

## 2.4 Constraints

There are limited constraints on the site. There are few national or local designations within the site or that could be affected by the proposal. Whilst the site lies in an area of some archaeological interest and a large scheduled monument lies 500m to the South and some archaeological interest lies north of the A303 (T) there is limited interest in the field itself confined to a lynchet along which follows the line of a former field boundary and some interest in connection with the former toll road. The site lies to the north and in view of the Maperton Conservation Area

There are no public rights of way within the site, although some cross the A303 near the application site. Generally the land is graded agricultural grade 3 with some land being arable and the remainder pasture. The site does not lie in Flood zone 2 or 3 or any groundwater protection area.

## 3. Site History

- 3.1 There is no history of any development on the site. This is a green field site most recently used for agriculture purposes. The majority of the application site is not in agricultural production although the base of the slope and eastern part of the site has been sown with seed this year.
- 3.2 The whole of the application site has been ploughed in 2008, 2009 and 2015 as demonstrated by photographic evidence. It may have been in agricultural production in other years where there is no dated evidence. Moreover, the water trough in the field strongly suggests that this field which may have in the past been separated from the larger field by a fence has been used for grazing by sheep or cattle.
- 3.3 It would appear that the site has not been in any agricultural use for at least 12 months due to evidence on site of recent scrub clearance on parts of the site.

## 4. The Proposal

- 4.1 It is proposed that sub-soil or recovered demolition material be brought into the site to reduce the gradient in some parts of the site (although slightly increasing it in other parts.) The initial stage of works will involve stripping the existing soil from the site and stockpiling this for reuse in the final stage of the development. Total input proposed is 73 205 cubic metres or about 120 000T. Proposed hours of working are 08:00h to 18:00h Monday to Friday and 08:00h -13:00h on Saturday with no working on Sunday or public holidays.
- 4.2 This material will be placed on the site in layers with larger granular material forming a free draining base being laid in layers to provide stability and compaction

that will avoid later large scale settlement. Suitable soil recovered from the site during site preparation works will be then re-laid and supplemented with appropriate imported soils to provide a suitable growing upper horizon of soil.

- 4.3 The purpose of these works stated in the application is to allow the gradient of the slope to be reduced and to provide a free drainage base to allow arable crops to thrive on the land.

It should be noted that the existing gradient in the application agricultural report is not 25 degrees but according to the applicant, 18 degrees.

The proposed revised gradients from the plans submitted are as follows

Section A-A gradient averages over indicated section length

- |                             |          |       |
|-----------------------------|----------|-------|
| - current gradient          | 0m-85m   | 6.7%  |
| - current steepest gradient | 85m-126m | 15.0% |
| - restored gradient         | 0m-126m  | 9.5%  |

Section B-B gradient averages over indicated section length

- |                             |          |       |
|-----------------------------|----------|-------|
| - current gradient          | 0m-70m   | 6.8%  |
| - current steepest gradient | 70m-100m | 16.2% |
| - restored gradient         | 0m-126m  | 9.2%  |

Section average along a western section of deep fill

- |                     |        |       |
|---------------------|--------|-------|
| - current gradient  | 0m-95m | 10.7% |
| - restored gradient | 0m-95m | 7.8%  |

- 4.4 If necessary, a swale would be constructed 300m long, 0.75m deep and 3m wide to temporarily retain surface water run-off and allow this water to slowly percolate into the soil.
- 4.5 A new access would be created onto the old A303 about 160m to the west of Dancing Cross. Some hedging and a single oak tree would require removal to form the access.
- 4.6 It is anticipated that the proposal would take 18 months to complete.
- 4.7 **Application Documents:** The application comprises:  
- Application form and statutory declarations;  
- Planning statement;  
- Flood Risk and Surface Water Assessment;  
- Transport Statement;  
- Agricultural Statement;
- 4.8 Further information was subsequently submitted comprising:  
Additional information and clarification of the gradient of the site;  
Additional plan showing existing gradients on site.
- 4.9 **Screening Opinion:**
- 4.10 **Screening Opinion:** The Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 2011 refers to various types of development in Schedules 1 and 2. Development proposals falling within Schedule 1 are regarded

as “EIA development” and trigger EIA procedures. For Schedule 2 developments consideration must be given to whether it is likely to have a significant effect on the environment by virtue of its nature, size or location in deciding whether or not the proposed development should be regarded as EIA development.

- 4.11 Within Schedule 2, at part 11(b) is “Other Projects, Installations for the disposal of waste”; The indicative threshold states that EIA would apply to where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes; sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites are unlikely to require Environmental Impact Assessment. As this site only just meets the capacity threshold and is for inert waste only which does have limited effects on the environment in terms of potential impact in terms of discharges, emissions or odour, it is not considered that in this case an Environmental Assessment is required.

## **5. Consultation Responses Received**

### **5.1 South Somerset District Council**

- The District Council raises no objection to the application subject to the appropriate landscaping conditions and consideration of the highway issues raised locally.

### **5.2 North Vale Parish Group (includes the Parishes of Maperton and Horton Objection**

1. The Parish Councillors voted unanimously to oppose all aspects of the Application.

The Parish Council view is that the Applicant has failed to make his case for “agricultural improvement.” As testified by local residents (including individuals employed by previous owners who actually carried out the ploughing and harvesting) the area in question has been farmed continuously right up until its purchase by the Applicant in 2015. Therefore there is no justification for this Application to import approximately 73,000 cubic metres of waste material via 8600 lorry journeys.

2. We fully endorse the Paper forwarded to the Council in early January on behalf of the ‘Community Action Group against Landfill at Maperton’.

3. There have been three public meetings where local residents have attended to lodge protests to this application. Two Parish Council Meetings in December and January have had multiple public attendees, a third meeting held at Holton Village Hall on 30<sup>th</sup> December had 80 in attendance. There have been NO voices in support of the application.

4. We wish to emphasise the points made on Page 5 of the Community Action Group paper. Amenity value is being taken away from local residents which the community currently enjoys.

5. Speeding traffic and HGV incidents at the Dancing Cross crossroads feature regularly at our Parish Council meetings. Discussion regarding Dancing Cross has been minuted in 8 of the last 10 meetings. A site meeting was held at Dancing Cross with North Vale PC/Colin Fletcher (Highways) on 09/03/2016 which recommended restricting HGVs leaving A303 eastwards at Dancing Cross and the possibility of imposing a speed limit, which was recommended by the Police, after the wall of the Old School House was demolished for a second time. Recommendations from that meeting are being worked on currently.

6. We would strongly recommend that, should this Application come before the Regulations Committee, members should make a prior site visit to better understand residents' concerns.

5.3 **Environment Agency:** No comment (Environment Agency does not now comment on applications for inert disposal) An environmental permit will be required

5.4 **Local Highway Authority:** No objection subject to conditions

I refer to the above-mentioned planning application received on 7 December 2016 and after carrying out a site visit on 4 January 2017 have the following observations on the highway and transportation aspects of this proposal:-

The application will construct a new access onto the unnamed road that was formerly the A303 at Maperton. When consulting the Transport Assessment, it shows that the site will generate approximately 4 vehicle movements per hour based on an average working 9 hour day. This is not deemed to represent a severe impact under section 4 of the National Planning Policy Framework (NPPF) and as such the number of vehicle movements associated with the application would not cause the Highway Authority to raise an objection. The proposals will use HGV's to transport the material to the site, using the old A303 as the access routes. The access to and from the A303 to the west can be done via the slip road onto the A303 approximately 1 mile away. There is a weight restriction but this only applies to vehicles that would not enter the A303 and continue on the road at this point. However, when leaving the A303 traveling from the east, there is an exit located in close proximity to the site but the height restriction of crossing under the A303 could be a problem. This means that the junction with the A303 in Wincanton would most likely be used. This would mean that the traffic associated with the site would have to pass through Holton cross towards Anchor Hill and the A357 and from here it would be possible to access the A371, into Wincanton with further access onto the A303. The junction of Anchor Hill and the A357 does have a right turn lane that would assist the free movement of traffic along the A357 and not cause any potential highway safety concerns. The access will be onto the road at a part that is derestricted and as such Design Manual for Roads and Bridges (DMRB) would be used to establish the required visibility. However, from my onsite observations vehicle speeds were less than 60mph and approximately 50mph. This would mean that the required visibility from the access would be 2.4x160metres. When consulting drawing number 0776-001A, it shows that the proposed visibility from the access would be 2.4x152 metres to the east and 2.4x137 metres to the west. Although this is less than the required visibility as set



out it DMRB, it is still greater than the one step below the desired minimum and taking into consideration the relatively low traffic flow along the old A303 into consideration, the one step below desirable is deemed acceptable. The applicant must ensure that the access is fully consolidated, i.e. no loose stone or gravel that will prevent any loose material from being deposited onto the Highway. Any loose material could cause a potential highway safety concern and any vehicles leaving the site must be in such a condition so that no loose material would be deposited on the highway. Should the applicant wish to install any gates they would have to be set back a minimum of 10 metres so that vehicles can wait off the highway to gain access and would not block the highway that again could cause a potential highway safety concern. The construction of the proposed access will likely increase the amount of surface area that is impermeable.

This would mean that the applicant must ensure that under no circumstance is water to be discharged onto the highway.

To conclude, the Highway Authority accepts that there is likely to be an increase of vehicle movements that are likely to be generated as a result of the application. However, when considering that the vehicle movements are likely to be 1 every 15 minutes which does not represent a severe impact under section 4 of the NPPF. Taking this into consideration the Highway Authority does not wish to raise an objection to the application and should planning permission be granted then I would recommend that the following conditions are imposed:-

1. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement of development, and thereafter maintained until the use of the site discontinues.
2. At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan 0776-001A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
3. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 0776-001A, and shall be available for use before commencement of the development. Once constructed the access shall be maintained thereafter in that condition at all times for the duration of the works.
4. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
5. The access between the edge of carriageway and the entrance gate(s) shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

6. The proposed vehicular access to the site shall be stopped up, its use permanently abandoned and the verge reinstated in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such works shall be completed within 1 month of completion of works on site.

7. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 15 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

8. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Information Note:

Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

Additional comments

Further to our conversation yesterday with regards to Maperton and the drainage condition that was attached to my consultation response.

Ideally if there was a consolidated surface that ran in both directions from the access within the site it would serve as surface that the lorries could drive along and therefore would not need to drive on any loose surface and there would be no concerns over any loose material from being deposited onto the Highway. However, it can therefore be assumed that should there be a need for a lorry to drive on any loose surface within the site then there would be a fully consolidated surface that would help to catch any material before the lorries went onto the Highway. The increase of the impermeable surface would likely increase the potential water runoff, which cannot be discharged onto the highway under any circumstances. Assumption should not be made that connection to the highway drain can be established as well.

Ideally an area that could be set aside for a vehicle wash then this would provide an area for vehicles to be clean before leaving the site. However, I do understand that there is an issue with water supply and this may not be practicable, but would be desirable.

#### 5.5 **Local Lead Flood Advisor** – no objection subject to condition.

The re-profiling of the slope has the potential to change the surface water runoff rates from the site and the routes which this runoff may take. This has been noted in the submitted flood risk assessment at which the application has made mention of potentially introducing a shallow swale at the toe of the slope. However, there does not appear to be any confirmation within the application that this swale will be installed.

The LLFA has no objections to this application subject to the Planning Authority imposing a condition should it be approved to ensure that the potential surface water runoff post development is fully investigated and a suitable resolution (potentially the proposed swale) is installed at the same time as the re-profiling work is undertaken.

**5.6 South West Heritage Trust Archaeology – no objection**

Following a review of maps, aerial photographs and a site visit, it appears that the possible lynchet (as recorded on the Somerset Historic Environment Record) is more likely to be a removed field boundary rather than a medieval lynchet. Therefore, as far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

**South West Heritage Trust – Conservation Officer**

Comments are awaited on the impact of the proposal on the setting of listed buildings and the Conservation Area to the south and a verbal update shall be provided at the committee meeting on this issue.

**5.7 Council for the Protection of Rural England – objection**

The proposal is not 'restoration-led': In our view the main purpose of the application is to create a short term landfill site on a steep corner of a field, rather than to make "agricultural improvements" as claimed in the Planning Statement which forms part of the application. The overall acreage of the farm in which the field is situated is not disclosed in the application, nor are the farming activities of the applicant in any detail, so the economic benefits of increasing the yield in one corner of one field by altering the gradient from 1:4 to 1:5.7 cannot be quantified. They are likely to be minimal. The proposal is therefore contrary to Somerset County Council Waste Core Strategy (SCCWCS) Policy WCS4 (Disposal). The waste does not involve the excavation of a previously excavated site: The waste is not being used for the restoration of quarries, nor other excavation sites, nor is the waste being used with "clear benefits to the local community and environment". It is therefore contrary to SCCWCS Policy WCS2 (Recycling and Refuse).

Adverse impacts on the environment and local communities: The application proposes 8601 HGV movements over an 18 month operation, or 36 lorry movements a day, six days a week. The Planning Statement does not disclose the size of these lorries, but we understand they could include 8 wheeled vehicles capable of transporting 20 tons. The local roads serving the site may not be suitable either for the size or the number of lorries.

There will be excessive noise of lorries manoeuvring, tipping, and loud alarms when reversing. The site of this application is located on a slope above Maperton and there is no technical assessment in the application to show the distance the noise and dust will carry within the valley. Tipping operations on a steep slope on high ground will clearly generate a huge amount of both, thereby impacting adversely on the quiet enjoyment of the countryside. The Planning Statement claims that the development cannot be seen "from adjoining roads" - but it will be visible from Maperton. The site is not well screened by mature woodland. CPRE does not agree with the claim that "there is a significant number of trees and vegetation separating the site from properties in close proximity". Thus there will be

adverse effect on the quiet enjoyment of nearby residential properties as a result of noise, dust and other contaminants. The proposal is therefore contrary to SCCWCS Policies DM2 and DM3 (Impacts on the Environment and Local Communities), as well as South Somerset District Council Policies SD1 (Sustainable Development) and EQ5.

Likely non-compliance with the 'Proximity Principle': The proximity principle states that waste should be dealt with as close to its source as possible. This principle is compromised by permitting a site for which need is not established. There is no explanation in this application of where the waste is coming from. The site is near a primary market town (Wincanton), and a local market town (Ansford/Castle Cary) but neither town has sufficient development activity in the next 18 months to justify landfill operations on this scale. Lack of proven need may be harmful in itself because excess supply of void in one area would result in wastes being attracted from elsewhere i.e. from a greater distance and thereby contravening the proximity principle. CPRE Somerset consider landfill on this site to be intrinsically harmful due to nuisance, noise, and adverse visual impact. Therefore "need" should be demonstrated in order to overcome that harm. In our view no such need has been shown.

We believe the application should be refused for the above reasons.

**5.8 Somerset Wildlife Trust – No objection with condition.**

We have noted the Planning Application and also the concerns of local residents. Everything possible should be done to limit the impact of the development on the environment and the wildlife which currently uses the site. In particular we would request that the two oak trees are well protected and that measures are taken to repair, improve and enhance the hedge.

**5.9 Other Internal Consultees:**

**SCC's Acoustics Advisor – No objection subject to condition.**

The application by Hopkins Development is for the daytime importation and grading of waste materials '*to level and improve an existing area of land in order to bring it back into full and safe agricultural use*'. The Supporting Statement indicates in 3.2 that material importation is to reduce the gradient of the land from the steep gradient stated in section 5.5 to be '*1:4 or steeper*'. However I note section 2.4 states '*The gradient on the site is currently 25 degrees*' and the sections provided on the finished contour plot would not indicate that present gradients approached 25 degrees and I have derived the following:

**Section A-A gradient averages over indicated section length**

- current gradient	0m-85m	6.7%
- current steepest gradient	85m-126m	15.0%
- restored gradient	0m-126m	9.5%

**Section B-B gradient averages over indicated section length**

- current gradient	0m-70m	6.8%
- current steepest gradient	70m-100m	16.2%
- restored gradient	0m-126m	9.2%

Section average along a western section of deep fill

- current gradient	0m-95m	10.7%
- restored gradient	0m-95m	7.8%

The application has not considered noise specifically but hopes that the adoption of a Construction Management Plan can be effective so that '*no adverse impacts on residential amenity of properties in the local area can be substantiated*'. The proposed development is stated to require approximately 73,205m<sup>3</sup> of material and require 8,612 lorry loads with a rate of importation, based on a 6-day week, of 18 loads per day.

The nearest properties to the site are to the north and other are located in the northeast of Maperton, to the south of the development. Maperton dwellings would appear to be at approximately 380m from, and 19m above the closest regions of working with separation extending to 590m and 5m above the furthest working. It would appear that, while hedge boundaries may obscure views to the site, there are no topographic features to screen these locations from any noise from the site.

The properties located to the northeast of the site at Dancing Cross have separation distances that range between 80m to 320m with the separation from the A303 of 55m. A property to the northwest of the site has separation distances that range between 210m to 480m with the separation from the A303 of 30m. Both these locations would be expected to experience the bulk of passing site traffic. There would appear to be no topographic features providing obstruction to the upper areas of the site to these locations however site activities located on the lower southern areas of the site would be expected to be obscured by the declining slope feature.

While noise has not been assessed at the site I have records of measurements made in a similar situation at Sparkford as reported in 1996 (302300N.285) and in 2000 (302300N.063). Noise was assessed at Brooklands Farm at 70m to the south of the raised embanked section of the A303 on Monday 7 October 1996 when winds were very light north-westerly. I note there was considerable continuous noise from traffic with daytime noise levels of 52dB LA90(10 minutes) and 59dB LAeq(10 minutes). The measurements made in 2000 during light west/south-westerly wind indicated ambient noise from traffic on the A303 was at a level of 58dB LA90(11 minutes) and 62dB LAeq(11 minutes). Subjectively, I noted high pitched tyre noise was combined with engine noise from fast moving traffic and this was found to be effective at masking the noise that was otherwise faintly audible from a waste processing activity 190m to the north of my location. Based on the above I would therefore expect background noise at the properties to the north of the application site to be in excess of 55dB(A) and to have ambient noise levels in excess of 60dB(A). The increased separation of Maperton from the A303 would be expected to result in background noise at properties to the south of the site to be approximately 43dB(A) with ambient noise 48dB(A)

Operational noise from the site would be expected to be continuous over the periods of land strip but then become sporadic and be dependent on the rate of material intake and the needs for compaction. I would expect typical plant to

include a dozer or large excavator and based on the worst case noise from the continuous use of a dozer I have predicted the noise levels at the three noise sensitive locations.

The consideration of noise under the NPPF requires impacts of development to be assessed in terms of the effect they might reasonably be expected to have on residents, taking account of the acoustic environment and considering:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

In my opinion noise from the A303 is likely to be sufficient to dominate the present noise environment at any northern property or residential location in Maperton under the weather conditions that would favour the propagation of noise from the application site. The predicted continuous noise from the noisiest operation of site preparation, would appear unlikely to exceed the estimated background noise levels at any residential location and it would seem reasonable to assume that noise from other sporadic tipping and spreading activities would not exceed these noise levels. As such it is likely that noise impacts from this development might be classified under present planning guidance as 'Noticeable and not intrusive' and as such require no specific planning measures.

The passage of site vehicles past a property might create greater brief noise events during the daytime however this noise would appear infrequent, at less than 4 movements per hour, and with respect to dwellings to the north of the site, would not appear significant when considered in the context of more continuous existing traffic noise from the A303.

In conclusion I consider there is little justification for the expected noise impacts of this development to substantiate planning objection. In my view there would appear no planning need for a noise limiting condition however I would suggest that the applicants proposal, in section 5.27, that the works be undertaken in accordance with a method statement and/or construction management plan, be secured by a condition. The possible wording for a condition might be as follows:

Prior to the commencement of mechanised activities at the site the operator shall obtain CPA approval of a Site Operations Method Statement. This statement shall define typical good practice measures to be adopted by the operator to reduce the noise from activities involving plant and machinery and confirm the intention to use white noise reverse warning alarms on all site based plant.

In order to complete the site with the minimum requirement of materials it may be prudent to include a condition preventing the exportation of materials from the site.

## 5.10 **Waste Policy Officer** – Contrary to Policy

As Waste Planning Authority, Somerset County Council is responsible for waste planning policy in Somerset. Current policy is set out in the Waste Core Strategy (WCS) (adopted February 2013), which forms part of the Development Plan, and any decisions on planning applications will be assessed according to these policies unless material consideration indicate otherwise. Based on the information available to us, our comments on the above application therefore focus on four key policies/principles:

- WCS Policy WCS4 – disposal;
- WCS Policy WCS2 – recycling and reuse;
- WCS Policy DM1 – basic location principles and the proposed use of unallocated greenfield;
- Overall need for the development.

### WCS Policy WCS 4: Disposal

In the planning application form, the applicant discusses the proposed development as an inert landfill and as such, we have initially considered if the proposal meets policy WCS 4 disposal.

In paragraph 1.4, the planning statement describes that there is no previous planning history for the site and as such, we consider the site to be greenfield land. The planning statement continues to describe that a proportion of the application site has been left un-cropped for a number of years and that the application site is part of a wider field that is generally used for arable crops when not in use for agricultural rotation practices.

The slope gradient on part of the application site is described as 25 degrees and that the MAFF Agricultural Land Classification grade 5 describes this grade of land having “limitations which restrict use to permanent pasture or rough grazing”. In its current and as far as we are aware, its natural condition, the application site is suitable for certain types of agricultural land use. However we note that the applicant describes that parts of the site are not suitable for arable use due to the potential health and safety issues that would be associated with any attempt to employ farm machinery on slopes with gradients as described and potential for soil erosion/nutrient runoff should arable crops be cultivated on such slopes.

There is no evidence presented that the site in its current condition is subject to stability issues or soil erosion/nutrient runoff from current land use.

Based on the information available to us, the development does not appear to meet the definition of restoration as there is no evidence of degradation of the land as a result of previous development or natural geological processes.

The applicant does not demonstrate that the minimum amount of waste is being used for the development. The primary objective appears to be to engineer parts of the site to address steep slope gradients on particular sections of the site. No evidence is presented to demonstrate that the applicant has considered alternatives such as cut and fill opportunities to achieve the desired gradients

rather than importing significant quantities of waste material to re-profile the site and address the areas of land with gradient issues.

Therefore we do not consider that the proposed development is in accordance with a number of aspects of WCS policy WCS4.

#### WCS Policy WCS2: recycling and reuse

The planning statement describes the proposed works as engineering operations involving the importation of suitable waste soils and could be considered as a recovery operation subject to Environment Agency permit approval. Therefore the development has also been considered against WCS Policy WCS2: recycling and reuse.

In terms of the beneficial uses discussed in policy WCS Policy WCS2, noting no previous quarrying or excavation activity on site (criterion a), the development would need to demonstrate either b) clear benefit to the local community or environment or c) other facilities that will facilitate such positive use.

Paragraph 1.5 of the Planning Statement describes the intended benefits of the development as economic - to improve and maximise the potential of agricultural land. This is opposed to WCS Policy WCS2, which sets out to support proposals with a clear environmental or local community benefit. As the site is already capable of agricultural land use, the land would appear to have positive use in its current condition and the proposal is therefore contrary to WCS Policy WCS2.

#### WCS Policy DM1: Basic location principles

Paragraph 10.17 of the adopted Waste Core Strategy describes that “the use of unallocated greenfield land will be strictly controlled and limited to developments that can demonstrate clear environmental benefits or benefits to the local community, referenced against policies in the Development Plan”.

Having noted in the previous section (WCS2) that the purpose of the proposed development is to achieve an economic rather than an environmental or local community benefit, the submitted proposal does not meet the required basic location principles criteria.

It is noted that no details have been provided of the potential additional yield and thus economic benefit that could be achieved if the area of land was capable of arable crop land use rather than left uncropped or grazed. As such, considering the scale of the proposed development (the importation of approximately 73,000 cubic metres of construction, demolition and excavation waste over an eighteen month period) the justification for the need is not clear.

#### Conclusion

Therefore, based on the information available to us, we object to the proposed development on this greenfield site as it does not meet the requirements of WCS Policy DM1: basic location principles. This objection holds irrespective of whether the applicant considers the development a recovery or disposal activity, as the



proposal is contrary to both WCS policies WCS4: Disposal and WCS2: Recycling and Reuse.

#### 5.11 **SCC Ecological Advisor**

No ecological survey as such has been submitted with the application despite the applicants identifying ecology as a key issue with which they need to engage. The only information regarding the ecological impacts of the proposals is contained, so far as I can see, in section 5.19 to 5.22 inclusive of the Planning Statement, but this is wholly inadequate upon which to base any positive recommendation:

- It is stated that there could be an impact due to the proposals on two mature trees but these are not identified and no information is given on the species, size, estimated age or suitability to support protected species;
- The applicant's agent suggests that there could be an amount of hedgerow that has to be removed to facilitate the development but no information is provided on the anticipated length of hedgerow to be lost, species composition, age, status in relation to hedgerow regulations, etc.;
- No mitigation is proposed to minimise impacts on biodiversity.

#### Results of Site Visit

Most of the application site is improved agricultural grassland much of it recently sown with new grass. The upper western half of the field contains a substantial area of poor semi-improved grassland habitat with tussock-forming grass species and a modest number of herb species (including Self-heal, Curled-leaved Dock, and Ragwort). A flock of Redwings was foraging among this vegetation at the time of the visit. The landfill will avoid some of this habitat but some of it would be lost.

A large Oak with substantial dead wood features is just outside of the application boundary and there is another smaller Oak in the roadside hedge. The hedge itself appears to be relatively species-poor (I could distinguish only, Ash, Hawthorn and Elder with Clematis and Bramble growing through). It is on a hedge bank (up to 1 metre in height in places) but is severely trimmed and a bit 'gappy'. The hedge is 1 – 2m in height varying along the road. The road verge does not appear to be particularly species rich although there are protected road verges in the area (at Holton).

Three Roe Deer (2 hinds, 1 buck) were seen grazing on the agricultural grass in the field. There was some evidence of Rabbits and Moles in the top part of the field but no signs of Badger setts.

The above suggests to me that ecology will not be a major constraint preventing the development from being granted permission. The main thing will be to safeguard the two Oaks mentioned above and particularly the specimen in the field which is a particularly nice veteran/aged tree. The hedgerow does not appear to be important from the ecological point of view although January is a

most sub-optimal time to look at this. Nevertheless, if any access is made off the road from Dancing Cross, the gap through the hedge should be kept to the minimum (and this should not be made near the standard Oak in the hedgerow that is mentioned above). The hedge is not suitable for Dormice and is barely useable in its current state by nesting birds. If the hedge is allowed to grow up to screen the development this would probably improve its wildlife value.

## 5.12 Somerset County Council Agricultural Advisor

### **Introduction**

I am employed by Somerset County Council as the Rural Estates Manager and have been involved with land and estate management for about 35 years, with over 30 years as a member of the Royal Institute of Chartered Surveyors (Rural Practice).

### **The Site**

The application site is approximately 4.3 hectares (10.7 acres) and lies within an 18 hectare (44 acre) arable field. The parcel with the steepest gradient forms approximately 0.8 hectares (2 acres) of the total site and is currently growing rough grass, typical of not having been grazed for some time.

### **Use of Land**

Until recently it appears from an aerial photo taken in 2007 that the field was divided, probably by a fence with each parcel farmed separately with differing crops. The division ran approximately east to west, south of the steepest 2 acre parcel and just south of the large tree to the west, and then north-west to join the copse.

Historically the site was bounded by a hedgerow in the approximate position as detailed above, indicating that two separate methods of cropping was the norm, with pasture to the north and arable to the south. The water trough in the "north" parcel indicates that this has been the preferred farming method for these fields for many years.

It would be very useful to have sight of the Rural Payments Agency records for the years 2005 - 2016, which should show the annual cropping for the field over those years. These details are submitted by the owner/occupier of the land each year, in order to claim the annual subsidy, previously the Single Payment Scheme and now the Basic Payment Scheme.

### **Agricultural Need**

In my opinion, the need to "improve" this parcel of land (I do not think that the land requires restoring) is unnecessary and not commercially viable.

To bring an area of approximately 0.8 hectares (2 acres) into arable production within an 18 hectare (44 acre) field, using over 75,000 m<sup>3</sup> of waste and over 8600 lorry movements to achieve this aim, cannot be justified on financial or land management grounds. 2 acres of extra production of, say, winter wheat, might achieve a gross margin of about £300 per acre, which suggests a small profit of about £100 per acre, although the national average was less this year. The costs

associated with this improvement seem to outweigh the financial benefit achieved, even if spread over very many years.

### **Landscape**

The effect of disturbing the remaining 8 acres of good productive land whilst the work is in progress needs to be considered. From DEFRA's guidelines, at least 1.0 m of soil should cover any fill, or at least 600 mm over any introduced drainage scheme. This will require extensive work over the whole site which will naturally take a number of years to "settle". DEFRA suggest it could take at least 5 years of aftercare before a site will have fully settled, and during this period further work may well be required to remove any differential settlement.

### **Health and Safety**

The Health and Safety aspect is a major factor in the application. However, in my opinion, a solution is easily provided if the 2 acre parcel was the subject of a tree planting scheme. This would benefit the local environment, the local community, increase the area's biodiversity and all be achieved without the need to "improve" the site. There is the possibility of grant aid to plant the trees and fence off the area, which will then be permanently and effectively removed from any potential health and safety risk associated with field operations. A further benefit of a bank of trees is the extra stability it would provide the site as well as helping improve possible erosion and leachate problems.

### **Conclusion**

From an agricultural, ecological, landscape and safety perspective I do not believe the proposal is the most effective use of this land, or the most appropriate solution for removing the perceived risk to carrying out farming operations.

5.13 **Public Comments:** 50 local and nearby residents have submitted letters of objection or concern in response to the planning application. In addition, a petition with 69 signatures has been submitted. Comments refer to the following:

- |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highways | <ul style="list-style-type: none"><li>• There is a highway pinch point at The Cottage, Brickyard Farm;</li><li>• There is a highway pinch point at Fairview;</li><li>• Impact on road at Holton especially where there is no footpath;</li><li>• The speed observations are incorrect and visibility guidelines ignored;</li><li>• Lack of footpath at Dancing Cross and Horton increases potential conflict between traffic and pedestrians including vulnerable people;</li><li>• The Blackford junction to A303 is unsuitable for HGV travelling west;</li><li>• Lack of visibility at Dancing Cross from Maperton village;</li><li>• Lack of visibility on approach to Blackford Hollow;</li><li>• Removal of hedgerow for visibility;</li><li>• Road not wide enough for turning HGV;</li><li>• no mitigation to prevent mud on the highway;</li></ul> |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- old A303 currently under investigation for speed reduction;
  - Old A303 unsuitable as access as this is an accident blackspot;
- Agricultural improvement
- Small percentage of the field -limited improvement and no real benefit;
  - Untrue that field not suitable for any form of agriculture;
  - Proposal not using minimum waste required to do the works;
  - Prime objective is disposal to landfill not agricultural improvement;
  - No previous difficulty with farming land - also used for grazing – applicant should adapt farming to landscape;
  - Field has been ploughed without incident in full use prior to purchase;
  - Gradient figures in application not accurate;
  - Landfilling has potential to damage soil and ability to use it for agriculture;
  - This application is simply a means of avoiding landfill tax;
  - No alternative means of improvement considered such as cut and fill;
- Landscape
- Agricultural improvement not in keeping with landscape character;
  - Security to prevent unauthorised access would be intrusive;
  - Greater loss of hedgerows;
  - Conflicts with local landscape character area;
  - Cannot be screened from neighbouring property and ROW and there will be loss of visual amenity;
- Water and Flooding
- Run off increased leading to flooding on roads;
  - Run off increased leading to contamination of stream;
  - Type of waste deposited need to be controlled to avoid water pollution - This will be difficult to monitor;
  - Potential contamination of River Cam via stream;
- Community amenity
- There will be dust and air pollution which will affect health in neighbouring property;
  - Mud on road will not be able to be controlled;
  - Security and vehicle lighting will increase light pollution;
  - Hours of workings should be limited to work days only;
  - Noise impact on neighbouring and near Maperton residents;
- Ecology
- Impact on deer, hare and badger – there is little information in the application regarding biodiversity;

- Concern regarding impact on veteran oak adjacent to application within the field;
- Rights of Way
- Effect on wider ROW network which adjoin and cross the old A303 obliquely particularly at Dancing Cross;
  - Impact on views from rights of way from Maperton Village;
- Conservation Area and Historic Environment
- Impact on Maperton Conservation Area;
  - Impact on Maperton Neolithic settlement north of A303;
  - Impact on Scheduled Monument Maperton Roman settlement; paragraph 170 of the National Planning Policy Framework should apply.
- Sustainability
- Proximity of sources of wastes should be conditioned
  - Potential of longer time frame if material availability declines – Waste Core Strategy states no need for additional sites for construction and demolition waste;
  - Concern that site will result in a designation of brownfield land and therefore at risk from other development;
  - Demolition waste can be recycled and therefore is not suitable for landfill;
  - Detrimental impact on neighbouring business;
  - No community benefit from application.

## 6. Comments of the Service Manager

6.1 The planning application relates to a proposal to dispose of inert demolition and construction waste and restore the land to agriculture. The main issues for consideration are:

- The diversion of waste to landfill that could be recycled
- The benefits of the proposal in this location
- Highway Impacts
- Noise and Dust impacts
- Landscape and Visual Impacts
- Ecological Impacts
- Impacts on the water environment
- Impacts on the historic environment

6.2 **Development Plan:** Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material

considerations indicate otherwise. Relevant policies may be found in the Somerset Waste Core Strategy (WCS) and South Somerset Local Plan (SSLP)

6.3 **National Policy and National Waste Policy:** The waste hierarchy, the main objective of the National Waste Policy is to divert material that can be recyclable to

be re-used, accepting that some materials will always require landfilling. Where landfilling is necessary only the minimum shall be disposed of by land raising or landfill to ensure that the majority of waste is recovered. In this case the application does not rely on materials which cannot be recovered and proposes the disposal of material that can be recovered.

#### 6.4 **Local Waste Policy:**

The Waste Core Strategy objective is also to divert any material that can be re-used not to be disposed of to land. Where this is unavoidable the Waste Core Strategy sets out the precise situations where this is acceptable in policy WCS4. The key points of this policy are that

- Disposal is not appropriate for material that can be recycled;
- Disposal must have an overall benefit to the land;
- Only the minimum amount of waste to achieve this benefit would be permitted.

This is because the Core Strategy concluded that demand for additional inert sites was very low and concluded that additional sites were not required for construction and demolition waste particularly since it is easily re-used.

- 6.5 The proposal is for the disposal of recovered demolition waste and soils. The application does not demonstrate that the materials proposed to be disposed of cannot be re-used. Whilst it is noted that some of the material would be pre-sorted, the Flood Risk Assessment states that the material will largely consist of crushed stone, which can be re-used in place of primary aggregate in the construction industry.
- 6.6 In this case, in its natural condition, the application site is suitable for certain types of agricultural land use. Whilst it is the applicant's preference not to use this part of the field for arable agriculture, it is suitable for other forms of agriculture such as grazing land. It is noted, however, that this is merely a preference and there is much evidence available that this field was in active production until purchased recently by the applicant. Indeed adjacent parts of the field at the same and similar gradient are in arable production. There is no evidence presented that the site in its current condition is subject to stability issues or soil erosion/nutrient runoff from current land use.
- 6.7 Moreover, the County Council's agricultural advisor has stated that the economic benefit of the agricultural improvement is not justified by this proposal and unnecessary and not commercially viable. It is estimated that the additional profit of the improvement of 0.8ha within a larger 18 ha field using over 75,000 m<sup>3</sup> of waste and over 8600 lorry movements to achieve this aim, cannot be justified on financial or land management grounds, the likely profit being about £200 per annum. The costs associated with this improvement seem to outweigh the financial benefit achieved, even if spread over very many years.
- 6.8 As this is a green field with a previous history of agriculture, the proposal does not fall into the definition of restoration as there is no evidence of degradation of the land as a result of previous development or natural geological processes.

- 6.9 The applicant does not demonstrate that the minimum amount of waste is being used for the development. The primary objective appears to be to engineer parts of the site to address steep slope gradients on particular sections of the site. However in doing so, additional land will be made steeper and a swale will be required to control the significant surface water run off caused by the importation of material, which is likely to impede drainage and it is not clear therefore whether the swale, due to its very nature, may be removed from productive agriculture. No evidence is presented to demonstrate that the applicant has considered alternatives such as cut and fill opportunities to achieve the desired gradients rather than importing significant quantities of waste material to re-profile the site and address the areas of land with gradient issues.
- 6.10 It is therefore considered that this proposal is contrary to Waste Core Strategy Policy WCS4.
- 6.11 If this proposal did meet the requirements of WCS4 then it would also need to meet the requirement of policy WCS2 which is the policy relating to the recovery of inert material including the use of it on land where there are the following benefits:
- either reclamation of a quarry (this does not apply in this case);
  - or a clear benefit to the local community or environment
  - or other means of a positive use of inert waste.
- 6.12 The additional waste imported will not result in a change which would be an additional overall benefit to the land and may in fact be detrimental to it from, for example, water run-off, which would require the continued maintenance of a swale.
- 6.13 The applicant has relied heavily on Health and Safety as the justification for the development. It should be noted that the gradient of 25 degrees in the application is accepted as incorrect by the applicant. The applicant has re-calculated this as 18 degrees. Calculations using the plans provided suggest the true gradient is less than this. In addition,
- There is ample evidence that the field has been cultivated in the past and moreover adjacent parts of the field at a similar gradient continue to be in arable production;
  - The health and safety statistics given in the application refer to all farm accidents not just those associated with tractor tipping.
  - If the applicant does not wish to have this part of a large field in its present state for arable land it could be used for cattle grazing as has occurred in the past or for other wider agricultural use including set aside which is normal agricultural practice, working with the land rather than altering it, potentially causing additional detriments.
- 6.14 As the site is already capable of agricultural land use, the land would appear to have positive use in its current condition and the proposal is therefore contrary to policy WCS2.
- 6.15 **Location:**  
Paragraph 10.17 of the adopted Somerset Waste Core Strategy states that “the use of unallocated greenfield land will be strictly controlled and limited to developments that

can demonstrate clear environmental benefits or benefits to the local community, referenced against policies in the Development Plan”.

Having noted in the previous section (WCS2) that the purpose of the proposed development is to achieve a very minor economic rather than an environmental or local community benefit, the submitted proposal does not meet the required basic location principles criteria and is considered contrary to WCS Policy WCS2

- 6.16 **Highway Impacts:** There are few constraints on this land that would be impacted by this development that could not be controlled by condition apart from the partial loss of a single tree in the hedge line where the access is proposed which would be affected by the visibility splay. This is considered under Ecology considerations. Conditions regarding prevention of mud on the road during its operational phase are considered below.
- 6.17 The National Policy Planning Framework and the Department of Transport Roads and Bridges Manual used to determine whether the transport impacts could warrant a refusal. It is considered that the volume of traffic which equates to 4 vehicle movements per hour is low and that the road is also not heavily used at present. Therefore due to these two aspects, the national guidance allows for a two-step reduction in the visibility splay required. It is considered that the impact would not be severe as stipulated in the National Planning Guidance and refusal is not therefore considered to be warranted.
- 6.18 Following local highway information being received from objectors the highways officer considered whether additional conditions were reasonable to be applied to overcome these. These include whether a road widening is appropriate at the applicants expense to avoid a pinch point at The Cottage, Brickyard Farm and whether a condition preventing lorries using the A303 (T) Dancing Cross junction and Blackford Hollow junctions is appropriate. This would mean that all lorries would need to arrive and depart east of the site via Horton, Anchor Hill and A357 and A371 at Wincanton. The applicant would be amenable to the latter condition. Additional conditions for road widening are not considered necessary.
- 6.19 **Noise**
- No noise assessment was submitted with the application. The County Council acoustics advisor has made an assessment of the likely noise impact based on previous assessments in similar environments. The estimated background noise at the properties to the north of the application site is likely to be in excess of 55dB(A) and to have ambient noise levels in excess of 60dB(A) due to the proximity of the trunk road on the embankment. The increased separation of Maperton from the A303 would be expected to result in background noise at properties to the south of the site to be approximately 43dB(A) with ambient noise 48dB(A).
- 6.20 The County Council's acoustics advisor has made an assessment of the likely noise impact from the proposed operations and concluded that at all the properties including those to the south the increased noise from the operations would not



exceed the present background noise level. Therefore there is little justification for a refusal on noise impact.

- 6.21 **Dust and Prevention of Mud on highway** – The primary sources of operational dust from the proposal are considered to be from activities on site and from roads and surfaces across the waste facility and mud egressing onto the highway. The applicant has not considered how dust could be managed during the operations. More generally these issues could be addressed by a condition to any planning permission. However, the issue would be how those dust measures could be implemented and effectively controlled by a suitable condition in any consent. There are no services on site, particularly water. Therefore, the ability to dampen down internal roadways and to clean vehicles are limited; these are key ways to reduce the impact of dust. It is expected that dust mitigation measures would need to include a considerable length of consolidated track and ideally, provision of a bowser and high pressure hose. The provision of a consolidated track may require changes to the proposed development and the impacts of mitigation measures themselves would require assessing. Any consent for such a scheme must comply with the guidance on conditions in the National Planning Policy Framework. In this case, any condition is unlikely to meet the tests of “enforceability” and “reasonableness in all other respects” because the Planning Authority cannot confidently foresee that such a condition could be effectively implemented.
- 6.22 **Landscape and Visual Impacts:** SSLP Policy EQ2 (General Development) requires development to be designed to achieve a high quality, which promotes South Somerset’s local distinctiveness and preserves or enhances the character and appearance of the district.
- 6.23 The landscape character of the area is classified as Wooded Valleys and Clay Vales, part of the Escapement ridges and vales east of Yeovil in the South Somerset Landscape Assessment. This character type is dependent upon the range of slopes, the steeper slopes where soil is thinnest often having the greater botanical interest. Improved pasture on the lower slopes with steeper less productive land above is common. Therefore removing the less productive land as is proposed will change an important characteristic of the local landscape character area and potentially a loss of interesting flora. Hedgerow loss in the Maperton area has been particularly acute and further loss would be regrettable and could only be mitigated by hedgerows being improved and re-instated as part of the proposals.
- 6.24 The site also lies in the setting of the Maperton Conservation Area to which policy DM3 of the Waste Core Strategy applies. In this case, the benefit of the development must clearly outweigh any significant adverse impact and be adequately mitigated for; where the adverse impact is in respect of a nationally designated asset such as a Conservation Area permission would only be granted in exceptional circumstances where there is no alternative location for the proposal. The response from the South West Heritage Trust’s Conservation Officer will be reported verbally to the committee meeting.
- 6.25 Visual impacts would be encountered when the proposed development would be viewed from surrounding roads and footpaths largely from the south from the centre of Maperton village. Changes to the views are anticipated and are

considered to be a moderately negative impact on neighbouring housing and from the local rights of way network during operations. However the construction phase is for 18 months, a relatively short period which needs to be taken into account. Aftercare will be for a period of 5 years although restoration would be completed as soon as the operation is completed and could be phased such that the impact would be considered acceptable. The temporary nature of the operation would reduce this to a minor impact. The importation of geologically different material would change the ground cover and the slopes will alter to a shallower longer slope than that existing, and although a permanent change to the landscape, these are considered a negligible to minor impact. Whilst the application omits any details regarding lighting, it is expected that this would be a requirement for any tipping during dusk. The addition of lighting and the necessary infrastructure for this would be a significant change to the environment, industrialising essentially a rural environment. This would be a significant adverse change, which would be required for a longer period including any aftercare period. An alternative to unacceptable lighting in a such a prominent location would be to reduce the working hours to daylight hours only although this would lengthen the proposed operation or increase the frequency of traffic.

6.26 Landscape and visual impacts resulting from the proposed development during the daytime are therefore not deemed to be significant.

6.27 **Ecology**

No ecological information has been submitted with the application. However, there is limited known ecological interest in this area, the most significant being the two trees, one in the hedge line and the other just outside the application area. The hedge removal is not considered significant and could be improved overall by condition. It is possible that the lower branches of the hedge tree may require removal but this would not be expected to have a long term effect on the tree. The other tree lies adjacent to the workings but with the imposition of a suitably worded planning condition could be protected. Whilst deer and other mammals are known to use the field, the County Council's Ecological Advisor could find no evidence of any burrows. It was reported by one objector that the field is used by Hare; a protected species. Hare do not burrow and without further information, any impacts on this protected species could not be addressed. It is also noted that locally less productive slopes are often areas where flora can be significant. In the absence of any ecological information, the application fails to demonstrate that the proposal would not affect protected species and flora and is therefore considered contrary to SSLP Policy EQ4.

6.28 **Water**

The Environment Agency does not now routinely comment on applications for the disposal of inert waste. The proposed site is not in a flood zone although is greater than 1ha although of less impact as the surface would generally be unconsolidated material. The flood risk assessment notes that surface water is the only impact to consider. A swale is proposed at the toe of the slope although additional information would be required, which could be a condition in any permission.

The proposal would require a permit from the Environment Agency to protect the water environment and this would be monitored by the EA. Water impacts could be resolved by a suitably worded planning condition.

6.29 **Archaeology**

The advice of the Heritage Trust is that the archaeological interest is likely to be low and no condition is considered appropriate.

6.30 **Other Considerations from objectors:**

**Conflict between Rights of Way users and Heavy Goods vehicles using the site.**

There are no ROW on the application site. As the footpath network is not ideal due to the A303 crossing it, pedestrians in the area do need to use the highway network as well as footpaths and may encounter other road users. The likely increase in traffic is low and therefore the change will be low. The footpath from Maperton village to the existing field entrance requires pedestrians to use Maperton Lane to Dancing Cross. The footpath does cross the A303 but pedestrians are likely to use the underpass and road and re-join the footpath the other side. There are alternative routes from Maperton to Holton to avoid walking along the old A303.

**Hours of Working should be reduced to week day working only**

The proposed working hours are 08:00h to 18:00h Monday to Friday and 08:00h - 13:00h on Saturday with no working on Sunday or public holidays. These are considered appropriate.

**The application should take account of Historical Landscape Characterisation (NPPF paragraph 170)**

Whilst there is a requirement to take into account historical land characterisation in landscape assessment for local plans. The application is assessed against the South Somerset Landscape Assessment which has incorporated this element.

**The Application fails to take into account the Proximity Principle**

The main sources of waste are considered to be Yeovil and Wincanton. This is considered sufficiently close to be compliant with the proximity principle in the National Waste Policy. These are areas of significant development from where a supply of material is highly likely to continue.

**The Restored site will be classified a “brownfield site” and therefore more likely to be developed.**

Restored landfill sites exempt from the definition of a brownfield site.

**7. Conclusion**

- 7.1 As this development proposes the disposal of material that can be recovered, namely demolition material and crushed stone, it is contrary to the National Waste Planning Policy as these are not hard to manage wastes.
- 7.2 This proposal is contrary to WCS Policy WCS4 (Disposal) because it has not been demonstrated that the proposal provides an overall benefit to the land and that the minimum amount of waste to achieve this benefit is proposed.
- 7.3 This proposal is contrary to WCS Policy WCS2 (Recycling and Reuse) because:

- it is not considered that the proposal is reclamation;
  - the justification that this proposal would be the most appropriate solution for removing the perceived risk to carrying out farming operations is not accepted and
  - no other clear benefits to the local community and environment; or other positive use have been demonstrated
- 7.4 WCS Policy DM1- (Basic Location Principles) seeks to locate waste management development at sites that are well connected to the strategic transport network, and on an existing, permitted or allocated waste management, industrial or storage site, or previously developed land. This is a greenfield site where any development should result in a clear environmental or community benefit.
- 7.5 Whilst the majority of Highway impacts are not considered significant to warrant a refusal and most impacts could be conditioned, it has not been demonstrated that a condition for a scheme to prevent mud entering the highway could be implemented effectively. The application is therefore contrary to policy DM6 (Waste Transport) of the Waste Core Strategy.
- 7.6 Noise impacts are considered acceptable. However, it has not been demonstrated that a condition for a scheme to prevent dust egress could be implemented effectively.
- 7.7 The proposal is contrary to policy SSLP EQ2 (General Development) as the landscape character would not be preserved. Hedgerow removal would be regrettable, but the loss could be mitigated for by the imposition of a planning condition.
- 7.8 The short temporary nature of the operation would result in visual impact experienced from residences and rights of way being only minor. If lighting were necessary this would be a significant change to the environment, industrialising essentially a rural environment. This would be a significant adverse change. It could be mitigated to an acceptable level by reduced hours of working although this would have additional amenity and highway impacts.
- 7.9 The application has failed to demonstrate that there would be no impacts to any protected species or flora due to the lack of information accompanying the application and is therefore contrary to SSLP Policy EQ4. Mitigation would be required to protect the two trees. Hedgerows could be actively managed and reinstated on completion.
- 7.10 Surface water impacts could be mitigated to acceptable levels by a suitably worded condition. The Environment Agency permit would control discharge to water courses.
- 7.11 Archaeological Interest is considered low. The effect on the setting of the Conservation Area will be reported verbally to the committee meeting.
- 7.12 Users of Rights of Way are not considered to be adversely affected by this proposed development.

7.18 There are no other material considerations and my recommendation is that the decision should be made in accordance with the development plan, and I recommend that this application is **REFUSED**.

## **8. Recommendation**

8.1 It is recommended that this application is REFUSED for the following reasons:

- 1 This proposal is contrary to Policy WCS4 (Disposal) of the Somerset Waste Core Strategy because it has not been demonstrated that
  - The waste cannot be managed in a more sustainable way through diversion up the waste hierarchy
  - That the proposal allows the land to be used more effectively for agricultural purposes
  - That the proposal uses the minimum amount of waste necessary to achieve the stated purpose.
- 2 This proposal is contrary to Policy WCS2 (Recycling and Reuse) of the Somerset Waste Core Strategy because it is not considered that the proposal is reclamation and no justified environmental, community or other positive benefit to the land has been demonstrated.
- 3 The proposal is contrary to Policy DM1 (Basic Location Principles) of the Somerset Waste Core Strategy. This is a greenfield site and a clear environmental or community benefit has not been demonstrated by the proposal .
- 4 It has not been demonstrated that mud will be effectively prevented from entering the highway and therefore is contrary to policy DM6 of the Somerset Waste Core Strategy
- 5 It has not been demonstrated how dust will be effectively prevented from egressing the site and therefore is contrary to policy DM3 of the waste Core Strategy
- 6 It has not been demonstrated that protected species and flora will not be affected by the proposals and is therefore contrary to Policy EQ4 of the South Somerset Local Plan

### **Relevant Development Plan Policies**

1. The following is a summary of the reasons for the County Council's decision to refuse planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:
  - The Somerset Waste Core Strategy

- The South Somerset Local Plan
3. The County Council has also had regard to all other material considerations.

4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.**

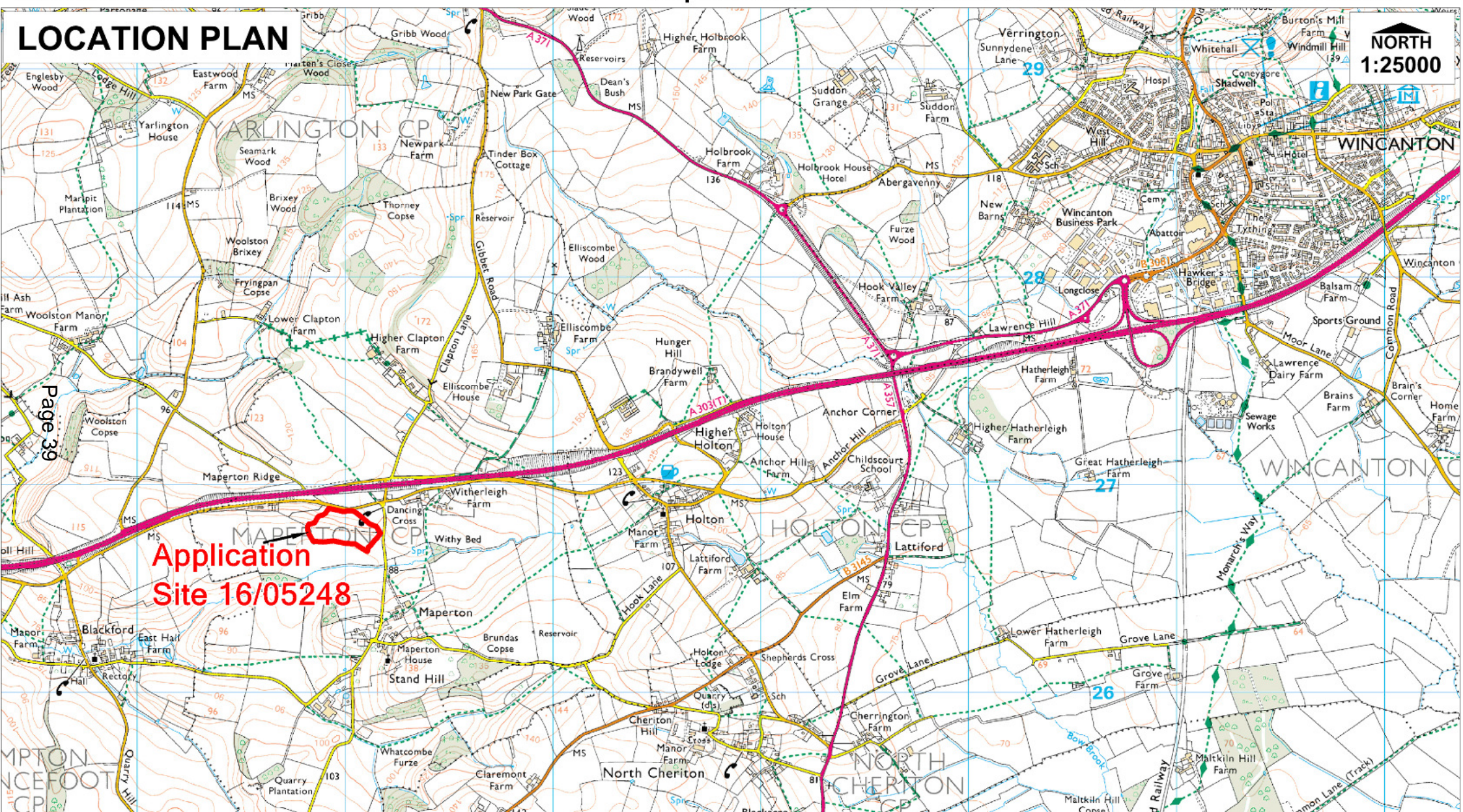
In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

### **Background Papers**

Planning Application file no. 16/05249  
Development Plans listed above;  
National Planning Policy Framework (2012); and  
National Planning Policy for Waste (2014).

DM# 788410

LOCATION PLAN



Application  
Site 16/05248



Philip Higginbottom  
Service Manager  
Planning Control, Enforcement and Compliance  
Community & Environmental Services  
Somerset County Council  
County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and May lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Site Name:  
Maperton Ridge Agricultural  
Land Re-Profiling

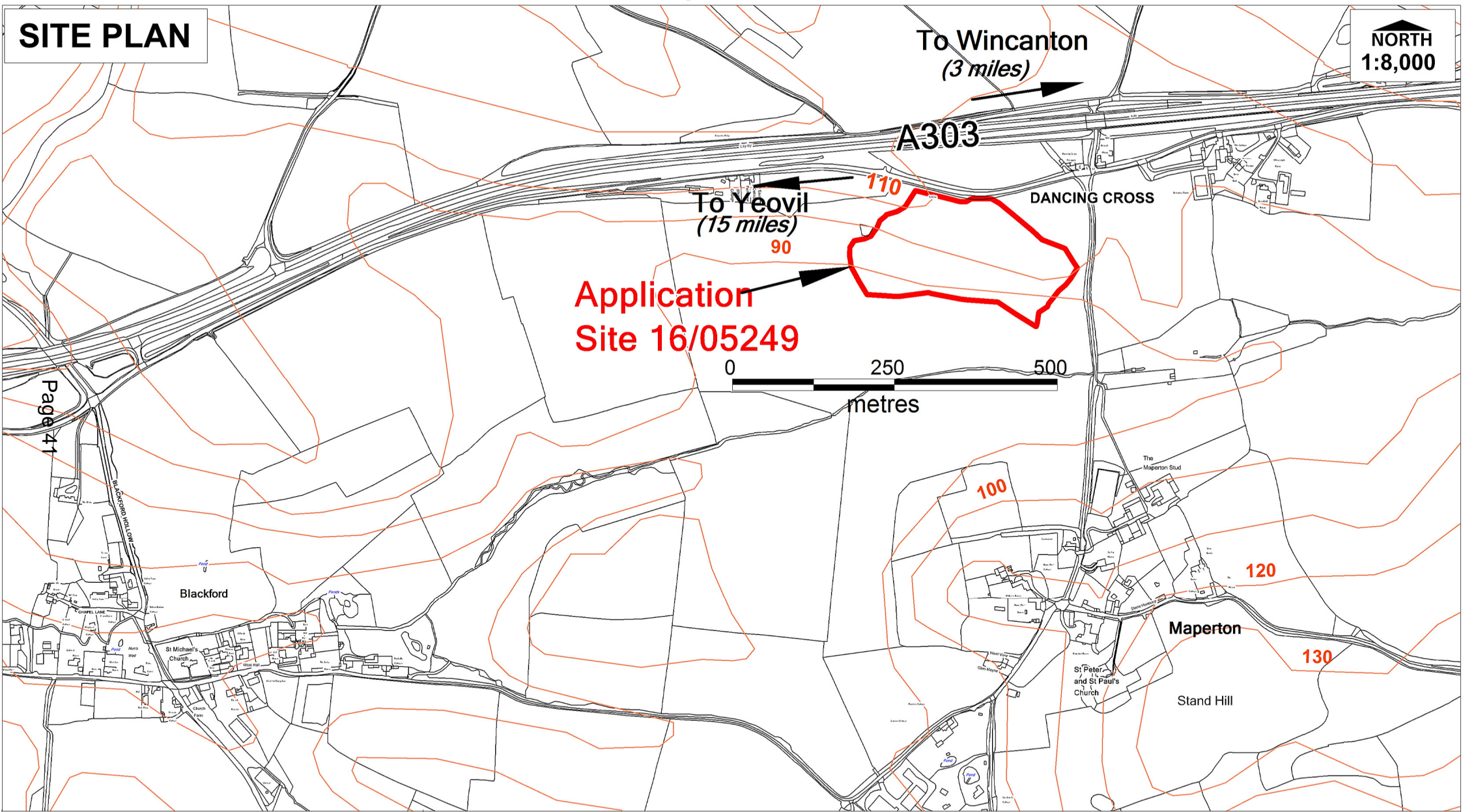
Planning Control  
Drawn by: P Silvers Dated: 9 February 2017

This page is intentionally left blank




**SITE PLAN**

**NORTH**  
1:8,000



Page 41

**SOMERSET**  
  
 Philip Higginbottom  
 Service Manager  
 Planning Control, Enforcement and Compliance  
 Community & Environmental Services  
 Somerset County Council  
 County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright.  
 Unauthorised reproduction infringes Crown Copyright and May lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Site Name:  
**Maperton Ridge Agricultural  
 Land Re-Profiling**

Planning Control  
 Drawn by: **P Silvers** Dated: **9 February 2017**

This page is intentionally left blank

Somerset County Council

Regulation Committee – 2 March 2017

Report by Service Manager –

Planning Control, Enforcement & Compliance: Philip Higginbottom

---

*Application Number:* 2016/3103/CNT  
*Date Registered:* 15 December 2016  
*Parish:* St. Cuthbert Out  
*District:* Mendip  
*Member Division:* Mendip Hills  
*Local Member:* Cllr Harvey Siggs  
*Case Officer:* Bob Mills  
*Contact Details:* [rwills@somerset.gov.uk](mailto:rwills@somerset.gov.uk)  
tel: 01823 356019

*Description of Application:* **DEVELOPMENT OF A WASTE MANAGEMENT FACILITY AT GREEN ORE FARM INCLUDING THE ERECTION OF A STEEL FRAMED BUILDING, A WEIGHBRIDGE AND AN OFFICE / STAFF FACILITIES**

*Grid Reference:* 358443 - 358443

*Applicant:* R.M. Penny (Plant Hire & Demolition) Ltd

*Location:* Green Ore Farm, Roemead Road, Green Ore, Wells, BA5 3EP.

## **1. Summary of Key Issues and Recommendation(s)**

**1.1 The application seeks to relocate the waste management activities from Emborough to Green Ore Farm. The main issues to be taken into account are:**

- Development in the countryside;**
- Visual impacts;**
- Transport impacts; and**
- Noise impacts.**

**1.2 It is recommended that planning permission is GRANTED subject to a s106 agreement to rescind the previous waste permissions at the site and the conditions set out in section 8 of this report, and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance**

## **2. Description of the Site**

- 2.1 Green Ore is located about 5km (3 miles) northeast of Wells at an intersection of the A39 and B3135, and at the eastern end of the gently undulating main Mendip Hills limestone plateau. The field pattern is mainly defined by dry stone walls in various states of repair, sometimes supplemented by post and wire fencing. Tree coverage is limited, but increases eastward with more frequent hedgerows and hedgerow trees. The Mendip Hills Area of Outstanding Natural Beauty is generally located to the west of the A39, although an area of the AONB crosses to the east of the A39 and is bounded by Haydon Drove (between 1.67km and 0.62km southeast of the B3135), the B3139 and the northern edge of Wells.
- 2.2 Green Ore Farm is a collection of domestic and agricultural buildings on the south side of the B3135 approximately 900m southeast of the Green Ore crossroads. The AONB is approximately 800m south of the farm buildings on the other side of a ridge.
- 2.3 The nearest properties to the Green Ore farmhouse are the Mendip Nature Research Station and Blue Mountain Farm approximately 450m and 850m to the east, Wells Hill Bottom Farm is approximately 650m to the east-southeast, Haydon Hut Farm is approximately 750m to the south-southwest, Hillgrove Farm is approximately 950m to the west, and Little Paddock, the closest property at Green Ore, is approximately 750m northwest of the application site. The only local rural right of way that may provide a view of the site crosses fields on the opposite side of the B3135, and emerges onto the road about 225m to the north-northeast of the composting site.
- 2.4 Access to the farm is in the form of a short track from the B3135. To the east of the access is the site of a Neolithic long barrow and bowl barrow (destroyed between 1946 and 1954) that is a Scheduled Ancient Monument.
- 2.5 The farmhouse bungalow building is approximately 100m from the road, beyond which is a collection of farm buildings either side of the track. A planning application has been submitted to Mendip District Council by the previous owner to convert one of the farm buildings to the south of the farmhouse to residential use. On the west side of the track is a green waste composting site measuring approximately 120m x 95m (max.) on the outside of which is an approximately 3m high bund.
- 2.6 The applicant has acquired the area to the west of the track including the farmhouse and the fields to the north, west and south of the composting area.
- 2.7 The application site comprises the access track, an area alongside the former site office for parking, and the bunded area including the adjacent farm building and compost storage area.

### **3. Site History**

- 3.1 The planning history at Green Ore Farm is outlined in the attached Appendix to this report.
- 3.2 Green waste composting was initially permitted at the site in 2005 (permission no. 085446/002), with a bund around the site to the north, west and south.
- 3.3 The use of an adjacent building was permitted for the sorting of paper, card and contrary materials from the green waste prior to composting in 2008 (permission no. 085446/005).
- 3.4 In February 2012 an increased volume of waste at the green waste composting site was sought. The application (no. 2012/0300) sought to process up to 10,000 tonnes per annum; however, the development was limited to 8,000 tonnes per annum
- 3.5 The green waste composting site was extended by permission no. 2014/0830/CNT in 2014. As a result the external bund was enlarged to enclose the permitted area. It was also proposed to increase the site throughput to 20,000 tonnes per annum. A compost screening building was also permitted within the site but it has not been erected.

### **4. The Proposal**

- 4.1 It is proposed to relocate R. M. Penny's waste management activities from Emborough, 4km to the south-west of the current site, to Green Ore Farm. A planning application is to be submitted to change the use of the site at Emborough for plant storage and HGV parking.
- 4.2 The farmhouse and composting area at Green Ore Farm is indicated as in the applicant's control. An area on the farm was developed by its previous owner as a waste composting facility, which is enclosed and screened by bunds. The application area benefits from having direct access onto the B3135, which is suitable for HGVs. The closest properties to the site are the Mendip Nature Research Station approximately 450m to the east and Haydon Hut Farm approximately 550m to the southeast.
- 4.3 The planning application seeks to develop the green waste composting area as a waste management facility for the reception, processing and storage of inert and restricted non-inert wastes. The proposal includes the provision of a weighbridge, weighbridge office and staff facilities, and a new steel-framed building that is 36m x 15m x 8m high.
- 4.4 If permitted, it is proposed that the composting operations will cease and the site cleared of waste.
- 4.5 It is proposed that up to 75,000 tonnes per annum of inert waste materials

are accepted at the site. This will include materials such as bricks, concrete, ceramics, stone, soils, minerals and road asphalt.

- 4.6 The inert materials will be brought to site in HGVs, via the weighbridge alongside the farm shed on the west side of the access track, and deposited in the yard. Bays adjacent to the weighbridge office will be available for the reception of smaller loads, such as builders' waste.
- 4.7 If required, the inert materials will be sorted either by hand or mechanically to separate the different waste types ready for recycling. Any non-inert wastes, such as metal or plastic, will be separated and placed in a sealed container for removal off site or storage within the non-inert waste building. Sealed containers such as skips or roll-on, roll-off bins will be stored within the yard when required.
- 4.8 Recycling will include the crushing and screening of the inert materials to produce recycled aggregates, soils and asphalt products. As a result, a crusher and a three-way split screener, or similar, will be operational within the yard. Other plant will include two loading shovels and two 360° slew type excavators.
- 4.9 The storage of materials within the yard will not exceed the height of the 3m high perimeter bunds.
- 4.10 Recycled products will be stored in the yard and transported off-site by HGV, via the weighbridge.
- 4.11 It is proposed to accept up to 10,000 tonnes per annum of non-inert wastes such as plasterboard, wood, metal, plastics, paper and cardboard. These materials will be imported to the site by HGVs, possibly in skips, and immediately deposited in the new non-inert waste building. It is not proposed to accept hazardous materials. Once unloaded, the non-inert materials will be sorted into the different waste types and either stored in bays within the building or in sealed containers in the building or yard. These materials will be stored, until a sufficient quantity has been 'bulked-up', before being removed from site by HGV, via the weighbridge.
- 4.12 The building will have an impermeable surface which drains to a sealed tank, the contents of which will be tankered off site as required.
- 4.13 Subject to the establishment of a market, it is proposed that plasterboard will be crushed and screened within the confines of the building, to produce gypsum. This recycled product will be stored within the building ready for sale directly into the market.
- 4.14 The non-inert operations will use the same plant as that used in the inert waste management area.
- 4.15 Ancillary facilities will include a weighbridge. It is also proposed to erect an office to provide a weighbridge office, site office and staff facilities. Sewage from the office will be held in a sealed tank and tankered off site as required.

- 4.16 Concrete sleeper storage bays, 2m in height, will be erected within the yard and weighbridge area. A wall, of similar construction, will separate the application site from the farm buildings to the east.
- 4.17 It is proposed to erect a building on the site permitted in 2014 for use as a maintenance shed and for storage. The consented building was to be erected on a north-south axis within the yard. The proposed building is repositioned on a roughly east-west axis to make better use of available space within the yard. The design of this building replicates the existing agricultural buildings being of a steel frame structure with box section cladding above concrete panel walls, fibre cement roof with two roller doors or similar. It is proposed to erect this building for use as a maintenance shed and for storage.
- 4.18 The current permitted working hours at Green Ore are 0700 hours to 2000 hours Monday to Saturday. It is proposed to adopt these hours but to allow HGVs to enter, load and leave the site from 0600 hours. It is proposed to not work on Sundays or Public / Bank Holidays.
- 4.19 The facility at Emborough currently employs 4 full time staff. It is envisaged that this will be increased to 5 full time staff with the relocation of the facility to Green Ore Farm.
- 4.20 **Application Documents:** The application comprises;
- Application form, etc.;
  - Documents:
    - Planning Application for a Waste Management Facility (Land & Mineral Management, dated 1 November 2016), including:
    - Planning Statement (Land & Mineral Management, dated 7 November 2016),
    - Appendices
      - (1) Planning Permission no. 2012/0300;
      - (2) Pre-consultation advice;
      - (3) Landscaping Scheme (Bracken Down, ND/v1, dated 22 December 2014);
      - (4) Environmental Noise Impact (Barnhawk Acoustics, Report no. 716/1);
      - (5) Transport Statement (IMA-16-148, dated November 2016);
  - Drawings:
    - Site Location Plan (Brunel Surveys Ltd, Plan no. 13440-20000-001, scale 1:20,000@A4, dated Nov. 2016);
    - As Existing/Topo (Brunel Surveys Ltd, Plan no. 17322-1000-001, scale 1:1000@A1, dated Nov. 2016);
    - Proposed Site Layout (Brunel Surveys Ltd, Plan no. 17322-1000-02, scale 1:1000@A3, dated Sept. 2016);
    - Proposed Elevations & Plan of New Building (Sekon, Plan no. SEK-13-KIN-PREAPP03 Rev A, scale 1:200@A3, dated July 2013).

4.21 **Screening Opinion:** The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, does not refer to the sorting of non-hazardous waste facilities in either Schedule 1 or Schedule 2. Therefore, the proposal is not EIA development.

## 5. Consultation Responses Received

5.1 **Mendip District Council:** NO OBJECTIONS, subject to the Waste Planning Authority being satisfied that the proposal would have no adverse impact on flood risk, local ecology, the landscape, the amenity of local residents including the adjacent proposed new dwelling, and highway safety.

5.2 **St Cuthbert Parish Council:** RECOMMEND REFUSAL.

- The environment effects of the development (near a Nature Reserve, noise and dust generation, water source protection zone, lead contaminated site);
- Landscape and visual impacts (near AONB, inappropriate site location, detrimental to local area, scale of operation);
- Impact on transport system (increased HGV movement and road miles, distance to collect materials);
- Operating issues (hours of operation);
- The Parish Planning Committee is concerned that the development could become a similar eyesore to the Bath Recycling Skips site at Odd Down, Bath.

5.3 **Environment Agency:** NO OBJECTION.

- The development will require an Environmental Permit.
- Processed materials will continue to be regulated as waste until the applicant meets the end of waste in accordance with Article 6 of Directive 2008/98/EC. The applicant can demonstrate that waste tests have been met by either:
  - (i) Meeting all the criteria set out in any relevant and applicable EU End of Waste regulations;
  - (ii) A case by case assessment taking into account the applicable Quality Protocol or Defined Industry Code of Practice. There is no quality protocol for recycled soils.
- The EA may require a sealed drainage system for all wastes stored outside the building.
- Crushed and screened plasterboard will only be considered a product if the applicant is able to demonstrate that it has met the standards set out in the recycled gypsum from waste plasterboard quality protocol and the rules for all quality protocols. If not then it will still be considered waste and all relevant waste controls apply.
- There is no mention of a sewage / foul water system for the staff facilities unless the proposal is for them to use the existing toilets / kitchen in the farmhouse. If new toilets / kitchen facilities are to be built then an adequate sewage system will need to be installed, either septic tank to soakaway or treatment plant. Depending on the volumes discharged, this may need a permit.



- Run off from the inert and non-inert waste storage areas is mentioned but there is no mention of vehicle wash down areas or refuelling areas (if these are to be included), both of which should be on hardstanding with interceptors. If fuel is to be stored on site then it will need to be in a suitable tank with adequate bunding.

5.4 **Southwest Heritage Trust:** There are limited or no archaeological implications to this proposal, and there are no objections on archaeological grounds.

- There is a probable post medieval stock pond in the location of the bund. The site is 200m from the Roman Road from Mendip to Old Sarum, now the B3135 and next to a barrow.
- However, there is nothing found of historic nature in the built environment in the surrounding area, so there is no concern regarding a negative impact on the built historic environment.

5.5 **Local Highway Authority:** The proposed development is for a new operation that proposes a waste management site that will deal with up to 85,000 tonnes a year (75,000 tonnes of inert material, 10,000 tonnes of non-inert metals and plasterboard etc.).

- There appear to be no PIA's (Personal Injury Accidents) within the last five years in the vicinity of the existing access, but there are a number located near the A39/B3135 junction.
- The site would operate 6 days a week (Monday to Saturday), with an average of 14 incoming loads per day, or 28 HGV movements per day, with occasional peaks of up to 60 HGV movements per day
- Generally, exported material will be loaded onto HGVs that have just imported material, but there will be occasions when HGVs arrive solely to export material.
- The number of builders' vehicles collecting material is not expected to alter significantly from the Emborough site, which peaks at about 10 loads a day (20 movements), but averages about 5 loads per day (10 movements) over a year.
- It would appear that the seasonal peak of 60 movements per day will be expected opposed to the 74 HGV movements that were anticipated and accepted for the extant permission on the site.
- The predicted traffic generation of the proposal will not have a severe impact on the local highway network and therefore is acceptable in highway terms.
- The areas allocated for parking and manoeuvring although not formally marked out appear to be adequate for the scale of the development.
- The site access has been altered in line with previous planning consent 2014/0830, such changes are appropriate for this development and no further changes are necessary.
- There are no highway objections to the proposal subject to the following condition being attached to any permissions granted:  
*"The areas allocated for parking and manoeuvring on the submitted plan, Proposed Site Layout drawing number 17322-1000-002, 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."*

## 5.6 Other Internal Consultees:

- Acoustics Advisor:** To adopt the existing site to use as a construction waste recycling operation would involve many similarities in activities.
- The application has been supported by an Environmental Noise Impact Statement.
  - The application would include the construction of a building previously permitted; however, the applicant proposes to realign the building. This aspect of the development is not significant to the noise impact arising from the site.
  - The application seeks to relocate the waste management operations from Penny's existing site at Emborough and proposes to process up to 75,000 tonnes per annum of inert waste materials and 10,000 tonnes of non-inert waste such as plasterboard, wood, metal, plastics, paper and cardboard.
  - The previous operations were limited to 20,000 tonnes of green waste importation.
  - The proposed operation represents a significant increase in the traffic requirement, both the difference in the material density and the process of back-hauling of material need to be considered.
  - Based on 20-tonne payloads, the Traffic Statement has predicted the importation of waste would equate to 4,250 loads per year, or 8,500 lorry movements. That equates to an average of 14 incoming loads per day, or 28 HGV movements per day.
  - Based on experience at Emborough, the operators expect occasional peaks of up to 60 HGV movements per day.
  - The current working hours at Green Ore Farm are 0700 to 2000 hours Monday to Saturday. It is proposed to adopt these hours, but to allow HGVs to enter, load and leave the site from 0600 hours. It is not proposed to work on Sundays or Public / Bank Holidays.
  - The Traffic Statement argues that both the average (2 movements per hour) and peak (60 movements per day) traffic expectations would be lower than those previously permitted for the green waste operation.
  - The applicant's consideration would appear reasonable and the introduction of additional movements between 0600 and 0700 hours would seem little justification for a planning objection based on any associated traffic noise impact.
  - The farmhouse would experience the most significant impacts from passing traffic and site noise. However, the building would be vacated by the previous owner. As the applicant (or staff) would occupy the farmhouse in the future it would appear unnecessary to consider any noise impact at this location.
  - Recycling operations will include the crushing and screening of inert materials and will produce recycled aggregates, soils and asphalt products. The details indicate plant to include a crusher and a three-way split screener, or similar, within the yard, with two loading shovels and two excavators supporting material movements and loading.
  - The application details indicate that storage of materials will not exceed the height of the surrounding bund. It is noted that the topographic survey does not indicate the finished bund height.
  - While this bund will reduce views of waste from the surrounding area it

- could be possible for the plant involved, when located on the top of spoil, to be visible with minimal acoustic screening. Otherwise, the 3m high bund would provide visual and acoustic screening of the crusher, loading and transportation movements within the yard.
- The site has a number of surrounding residential properties, at 780m and 900m to the east, at 5m and 160m from the B3135. Property at Haydon lies 780m and 1170m to the south. Two residential locations to the west are located at 870m and at 10m and 180m from the A39.
  - The noise assessment provided has demonstrated that the comparative sound power between the plant previously used for composting is 2dB greater than that proposed for recycling. Therefore if operation constraints were similar between the two types of waste operation there would appear to be little reason to raise a noise objection to this proposal.
  - There is the likelihood that a loading slew could have a more elevated position. This difference would only result in a minor increase in predicted noise on the occasions when working height was level with the top of the enclosing bund.
  - The noise assessment has measured noise at 3 locations (60m south of the B3135, Hillgrove farmhouse, and Upper Haydon Farm) and used these to interpret levels elsewhere. Measurements were over periods of 4.5 to 11 hours and logged 15-minute intervals and the period background averages used in the report are no more than 2dB greater than the lowest interval averages.
  - The measurements at Hillgrove Farm were during south-westerly winds and this would increase background level when compared with the more usual easterly wind conditions that would be required to carry noise from the site. The measurements at Upper Haydon Farm were during south-easterly winds and this would increase the background level when compared with the more usual northerly wind conditions that would be required to carry noise from the site. However, accepting these points, it is agreed that the reasoning and conclusions that the expected noise impacts would be similar to or below existing background noise at residential locations.
  - The consideration of noise under the NPPF now requires impacts of development to be assessed in terms of the effect it might reasonably be expected to have on residents, taking account of the acoustic environment and considering:
    - (i) Whether or not a significant adverse effect is occurring or likely to occur;
    - (ii) Whether or not an adverse effect is occurring or likely to occur;
    - (iii) Whether or not a good standard of amenity can be achieved.
  - The traffic noise affecting most locations is likely to be sufficient to dominate the noise environment under weather conditions that would favour the propagation of noise from the application site.
  - The predicted worst case continuous noise levels from the site would appear comparable to the estimated background noise levels at any residential location in private ownership. It would therefore seem reasonable to assume that noise from other sporadic activities would not exceed noise levels.

- As such, it is considered the noise impacts from this development can be classified under present planning guidance as 'noticeable and not intrusive' and as such would not require specific planning measures.
- In conclusion, it is considered there is little justification for the expected noise impacts of this development to substantiate noise objection. There would appear no planning need for a noise limiting condition. It is suggested that any minor increases in the processing plant would be unlikely to significantly worsen noise impact. However, in order to encourage the minimisation of noise impacts, it is suggested that operation of the site be in accordance with an agreed method statement that details plant and outlines the measures to be adopted to minimise the noise emissions from the site and a condition might be as follows:  
*"Prior to the commencement of mechanised processing activities at the site the operator shall obtain approval of a Site Operations Method Statement. This statement shall define typical good practice measures that will be adopted by the operator to reduce the noise from activities involving plant and machinery and confirm the intention to use white noise reversing alarms on all site based plant."*

- 5.7 **Public Comments:** A resident of Emborough has commented on the proposed change of hours at Emborough Quarry (RM Penny's present site) where HGVs may be stored overnight. It is suggested that any application to change working hours is considered together with this application, not independently.
- A letter has also been received on behalf of the owners of the applicant's Emborough site, and is opposed to the change of activities at the site.

## 6. Comments of the Service Manager

- 6.1 The planning application relates to a change at the Green Ore Farm composting site to a waste facility dealing with inert and non-inert wastes. A new steel framed structure is also proposed, as is a weighbridge and office / staff facility.
- 6.2 **Development Plan:** Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. Relevant policies may be found in the Mendip District Local Plan (adopted December 2014) and the Somerset Waste Core Strategy (adopted February 2013). Also taken into account are the National Planning Policy Framework (NPPF, March 2012) and the National Planning Policy for Waste (NPPW, October 2014).
- 6.3 **National Policy:** The NPPW states that Waste Planning Authorities should assess the suitability of sites and/or areas for new or enhanced waste management facilities against criteria including:
- physical and environmental constraints on development, including existing and proposed neighbouring land uses, and having regard to the locational criteria;
  - the capacity of existing and potential transport infrastructure to support the

- sustainable movement of waste, and products arising from resource recovery; and
  - the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
- 6.4 **Local Policy:** The Mendip District Local Plan (MDLP) Core Policy 1 (Mendip Spatial Strategy) indicates that development in the open countryside will be strictly controlled. Any proposed development outside the development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
- 6.5 The Somerset Waste Core Strategy (SWCS) policy WC2 (Recycling and Reuse) states that planning permission will be granted for waste management development that will maximise reuse and/or recycling of waste subject to the applicant demonstrating that the proposed development will, in particular, be in accordance with Development Management Policies. In addition, applications for all types of development should demonstrate that viable opportunities to minimise construction and demolition waste disposal will be taken, making use of existing industry codes of practice and protocols, site waste management plans and relevant permits and exemptions issued by the Environment Agency.
- 6.6 SWCS policy DM1 (Basis Location Principles) states that waste management developments will be granted at locations connected to the strategic transport network, which adhere to the principles of sustainable development and which support the delivery of strategic policies. Waste management development will normally be located on sites including existing waste management sites.
- Policy DM2 (Sustainable Construction and Design) states that permission will be granted for waste management development subject to the applicant demonstrating a commitment to sustainable construction and design. Proposals will be considered favourably where measures are incorporated including:
- contribute positively to the character and quality of the area, taking into account landform, historic environment, layout, building orientation and materials, massing, height, density and landscaping; and
  - minimise waste production and maximise re-use or recycling of materials.
- Policy DM3 (Impacts on the Environment and Local Communities) indicates that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate (amongst other things):
- significant adverse impacts from noise, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;
  - significant adverse impacts on a public right of way or visual amenity; and
  - unacceptable cumulative impacts.

When determining a waste planning application, the level of protection afforded to an environmental or heritage asset will be proportional to its significance including, but not limited to, its statutory designation.

- 6.7 **Development in the Countryside:** MDLP policy DP22 (Reuse and Conversion of Rural Buildings) states that the reuse or conversion of a building in the countryside will be supported where (amongst other things):
- the proposed use would not prejudice the use of adjacent land and premises.
  - the design of the building, and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area or have an adverse impact on the transport network.
  - the building is of permanent and substantially sound construction and is proposed for re-use and adaption in a manner which would not require major or complete reconstruction.
- 6.8 In this case, the existing on-site building (which is currently used in respect of the composting operations) would be used for non-inert operations, (i.e., the sorting into the different waste types, storage in bays or sealed containers until sufficient quantity has been bulked up before being removed from the site by an HGV via the weighbridge). Its use would ensure the wider landscape is not harmed and comply with MDLP policy DP22.
- 6.9 The design of the proposed site building would be similar to the existing farm buildings, although there is no detail as to its colour, and the drawing layout is contradictory.
- 6.10 It was previously acknowledged that locating the composting development in an agricultural area can support rural economic diversity and contribute to the local and national economy. The location of the proposed waste facility development in the countryside is generally regarded as an acceptable approach in line with MDLP Core Policy 1 and SWCS policy DM1, subject to the potential impacts of the proposed development on the environment and amenities of the area and the highway being capable of accommodating the additional traffic movements generated.
- 6.11 **Visual Impact:** It has been stated that the storage of materials within the yard will not exceed the height of the 3m high perimeter bunds. Views from the east would be screened by farm buildings and a proposed wall separating the application site from the farm buildings. A planning condition attached to an earlier permission required a landscaping scheme to be submitted, with a 5-year landscape protection and maintenance period. The scheme was approved in July 2015.
- 6.12 At a recent site visit it was evident that the landscaping of the bund previously conditioned and approved has not been undertaken. The Council's Enforcement and Compliance Team have been notified and are pursuing its regularisation. The landscaping of the bund would be

appropriate in the event of planning permission being granted. It is therefore considered that the proposed development would have limited visual impact.

- 6.13 **Traffic Impact:** MDLP policy DP9 (Transport Impact of New Development) states that development proposals will (amongst other things) be supported where they:
- a) make safe and satisfactory provision for access and parking; and
  - b) avoid causing traffic or environmental problems within the wider transport network.
- 6.14 SWCS policy DM6 (Waste Transport) states that planning permission will be granted for waste management development subject to the applicant demonstrating that (amongst other things):
- the proposed development will not have a detrimental impact on Somerset's local and strategic transport networks; and
  - suitable access to the development is deliverable.
- 6.15 In this case, the access from the B3135 is of reasonable standard being adequately wide and relatively straight and connects with the A39 strategic route. The access arrangements and highway visibility for vehicles leaving the site are acceptable.
- 6.16 The proposed development would increase the number of HGVs using the B3135 locally. However, this is not expected to significantly impact on the transport network.
- 6.17 The Highway Authority has indicated that it is not opposed to the proposed development. The proposal is therefore regarded as compliant with SWCS policy DM6.
- 6.18 **Noise Impact:** Recycling operations would include the crushing and screening of inert materials and would produce recycled aggregates, soils and asphalt products. The submitted details indicate plant to include a crusher and a three-way split screener, or similar, within the existing yard, with two loading shovels and two excavators supporting material movements and loading.
- 6.19 The predicted worst case continuous noise from the site would appear comparable to the estimated background noise levels at any current residential location. It would therefore seem reasonable to assume that noise from other activities at the site would not exceed these noise levels. The Noise Assessment provided has demonstrated that the plant used for composting is 2dB greater than that proposed for recycling. Therefore, there would appear to be little reason to raise a noise objection to this proposal.
- 6.20 It would be sensible to require the loading slew to remain on the site yard area rather than in any elevated position which would raise noise levels from the site.
- 6.21 The proposed development is therefore considered to accord with SWCS policy DM3.

- 6.22 **Other Considerations: Ecology** – The proposed development site is contained within a farm yard area and screened from the surrounding area. The closest area of ecological interest is approximately 170m to the south beyond the B3139 Bath Road. No significant impact on local ecology is anticipated.
- 6.23 **Heritage** – There are a number of archaeological sites (including Ancient Monuments) in the local area, including a (now non-existent) barrow at the entrance to the farm. There were a number of small quarries in the area, and a stock pond was once where the northern edge of the bund is now located. However, there are no heritage sites at the proposed development site. There are no archaeological implications to the proposal.
- 6.24 **Drainage** – The application site is within Flood Zone 1 (i.e., land assessed as having a less than 1 in 1,000 annual probability of flooding). The development proposal site is wholly located within previously developed land and will therefore not result in an increased flood risk.
- 6.25 The inert waste and weighbridge / office areas will drain to a soakaway via an existing interceptor. The non-inert waste area within the building will have an impermeable surface which will drain to a sealed tank.
- 6.26 Storage of non-inert wastes outside of the site building will be confined to sealed containers. However, the submissions do not provide details of the precise drainage arrangement which should be subject to planning condition.
- 6.27 **Existing Permissions** – The proposed development has the potential to be compromised in the event of the existing permissions for green waste composting being re-introduced onto the site. It is therefore recommended that the existing green waste composting and sorting permissions are rescinded.

## 7. Conclusion

- 7.1 The planning application relates to a change at the Green Ore Farm composting site to a waste facility dealing with inert and non-inert wastes. A new steel framed structure is also proposed, as is a weighbridge and office / staff facility.
- 7.2 The existing building on the site would be used for the sorting of waste into the different waste types, storage in bays or sealed containers until sufficient quantity has been bulked up before being removed from the site by an HGV via the weighbridge.
- 7.3 The predicted worst case continuous noise from the site would appear comparable to the estimated background noise levels at any surrounding residential location in private ownership and it would therefore seem reasonable to assume that noise from other sporadic activities would not exceed these noise levels.



- 7.4 The location of the proposed waste facility development in the countryside is generally regarded as acceptable, subject to the potential impacts of the proposed development on the environment and amenities of the area and the highway being capable of accommodating the additional traffic movements generated.
- 7.5 The storage of materials within the yard would not exceed the height of the 3m high perimeter bunds. Views from the east are screened by farm buildings and a proposed wall, separating the application site from the farm buildings. It is considered that the proposed development would have limited or no visual impact.
- 7.6 The access from the B3135 is of reasonable standard being adequately wide and relatively straight. The access arrangements and highway visibility for vehicles leaving the site are acceptable. The proposed development would increase the number of HGVs using the B3135 locally. However, this is not expected to significantly impact on the transport network, and is considered acceptable.
- 7.7 The application site is within Flood Zone 1 (i.e., land assessed as having a less than 1 in 1,000 annual probability of flooding). The development proposal site is wholly located within previously developed land and would therefore not result in an increased flood risk, and is therefore considered acceptable.
- 7.8 No ecological or heritage impacts are anticipated.
- 7.9 The proposed development has the potential to be compromised in the event of the existing permissions for green waste composting being re-introduced onto the site. To prevent an unacceptable coalescence of impacts due to the current and previous developments potentially operating simultaneously it is therefore recommended that the existing green waste composting and sorting permissions are rescinded.
- 7.10 There are no other material considerations and my recommendation is that the decision should be made in accordance with the development plan, and I recommend that planning permission is granted.

## **8. Recommendation**

- 8.1 **It is recommended that planning permission be GRANTED subject to the completion of a Section 106 Agreement relating to rescinding of the current waste related planning permissions at the site and the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance:**

### **1. Time Limit**

The development hereby permitted shall be commenced with 3 years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

### **2. Completion of Development**

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below] and with any scheme, working programme or other details submitted for the approval of the Waste Planning Authority in pursuance of any condition attached to this permission.

• Documents:

- Planning Application for a Waste Management Facility (Land & Mineral Management, dated 1 November 2016), including:
- Planning Statement (Land & Mineral Management, dated 7 November 2016),
- Appendices
  - (1) Planning Permission no. 2012/0300;
  - (2) Pre-consultation advice;
  - (3) Landscaping Scheme (Bracken Down, ND/v1, dated 22 December 2014);
  - (4) Environmental Noise Impact (Barnhawk Acoustics, Report no. 716/1);
  - (5) Transport Statement (IMA-16-148, dated November 2016);

• Drawings:

- Site Location Plan (Brunel Surveys Ltd, Plan no. 13440-20000-001, scale 1:20,000@A4, dated Nov. 2016);
- As Existing/Topo (Brunel Surveys Ltd, Plan no. 17322-1000-001, scale 1:1000@A1, dated Nov. 2016);
- Proposed Site Layout (Brunel Surveys Ltd, Plan no. 17322-1000-02, scale 1:1000@A3, dated Sept. 2016);
- Proposed Elevations & Plan of New Building (Sekon, Plan no. SEK-13-KIN-PREAPP03 Rev A, scale 1:200@A3, dated July 2013).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

### **3. Working Hours**

- (i) No operations or uses authorised or required by this permission shall be carried out on the site except between the following times:-
  - 0700 hours and 2000 hours Mondays to Saturdays
- (ii) Vehicle loading and despatch may be undertaken from 0600 hours.
- (iii) There shall be no working on Sundays, and Bank or Public Holidays.

Reason: To minimise disturbance to neighbours and the surrounding area.

### **4. Site Parking**

The areas allocated for parking and manoeuvring on the submitted plan

(Proposed Site Layout, drawing number 17322-1000-002) 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: To enable efficient site management.

#### **5. Vehicle cleaning**

No commercial vehicles shall enter the public highway unless their wheels and chassis are cleaned to ensure that no mud, dust or debris is carried from the site and deposited on the public highway.

Reason: In the interests of highway safety and to prevent mud and dust being deposited on the public highway.

#### **6. Noise Mitigation**

- (i) Before the commencement of mechanised processing activities associated with the development hereby permitted at the site a Site Operations Method Statement shall be submitted to and approved in writing by the Waste Planning Authority. This statement shall define measures that will be adopted by the operator to reduce the noise from activities involving plant and machinery on the site. The development hereby permitted shall be undertaken in accordance with the approved Site Operations Method Statement for the duration of the development hereby permitted.
- (ii) On site plant shall use white noise reversing alarms.

Reason: To minimise the potential for noise impacts on the surrounding area.

#### **7. Landscaping**

- (i) Before the development hereby permitted is commenced a landscape planting scheme, which shall include as a minimum, screen planting by native woodland species to the northwest and northeast of the development site bund, shall be submitted to and approved in writing by the Waste Planning Authority.
- (ii) The approved landscape planting scheme shall be carried out within the first planting season following approval.
- (iii) For a period of five years following the implementation of the planting scheme, the trees/shrubs shall be protected and maintained, and any trees/shrubs which die, or become seriously damaged or diseased shall be replaced as soon as practicable (and no later than the following planting season) with others of similar size and species, unless the Waste Planning Authority gives written approval to any variation.

Reason: In the interest of the visual amenities of the area.

#### **8. Drainage**

Prior to the development hereby permitted commencing a detailed Drainage Report shall be submitted to and approved by the Waste Planning Authority.

Reason: To minimise the risk of pollution of the water environment in the interests of wildlife conservation, public safety and the amenities of the surrounding area.

### **Relevant Development Plan Policies**

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:

- Mendip District Local Plan, adopted in December 2014; and
- Somerset Waste Core Strategy, adopted in February 2013.

The policies in those Plans particularly relevant to the proposed development are:

Mendip District Local Plan –

Policy Core Policy 1 (Mendip Spatial Strategy) – The proposed development will be strictly controlled and benefit economic activity.

Policy DP22 (Reuse and Conversion of Rural Buildings) - The proposed development would not prejudice the use of adjacent land and premises.

Somerset Waste Core Strategy -

Policy WCS2 (Recycling and Reuse) – The proposed development site was previously used for green waste composting. The proposed development is largely limited to the same site area.

Policy DM3 (Impacts on the Environment and Local Communities) – No significant impacts as a result of noise, visual intrusion or traffic are anticipated.

3. The County Council has also had regard to all other material considerations.
4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

## **Background Papers**

Planning Application file no. 2016/3103  
Mendip District Local Plan (2014)  
Somerset Waste Core Strategy (2013)  
National Planning Policy Framework (2012)  
National Planning Policy for Waste (2014)

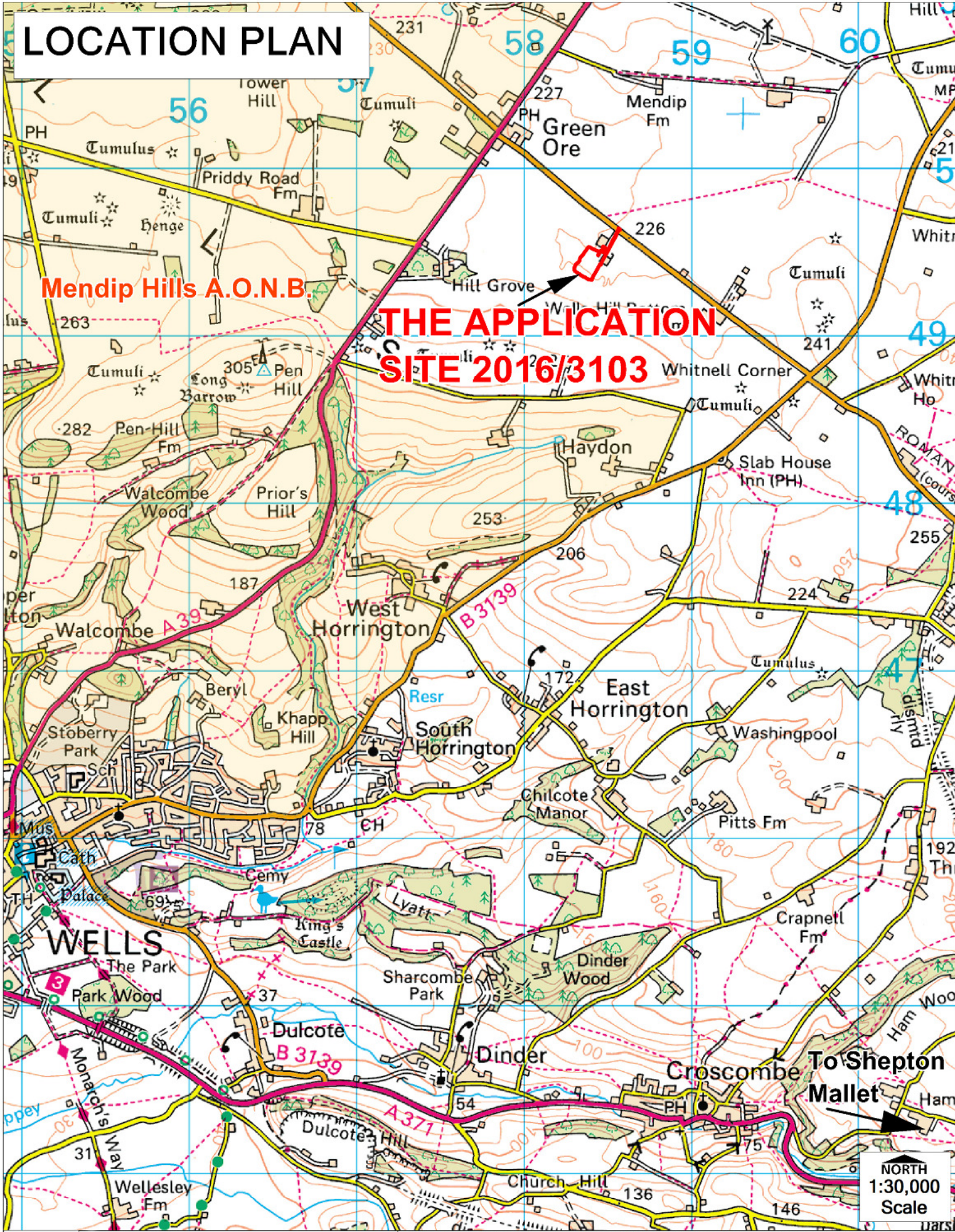
DM# 789955

**PLANNING HISTORY**  
**GREEN ORE FARM, Roemead Road, Green Ore**

Application no.	Description	Outcome
085446/001AG (Sept. 1998)	Construction of hardstanding area for livestock	No Objection
085446/002 (Sept. 2005)	Composting of green waste	Permitted
085446/003 (March 2008)	Erection of agricultural grain store	Permitted
085446/004 (March 2008)	Erection of agricultural building	Permitted* (Not implemented)
085446/005 (June 2008)	Change of use of existing agricultural building for the sorting of paper, card and contrary materials from green waste prior to composting on an adjacent authorised site	Permitted
2009/1280 (Aug. 2009)	Retention of two mobile homes for use as dwellings	Withdrawn
2012/0300 (Feb. 2012)	Variation of condition 6 of planning permission 085446/002 relating to the volume of waste material on site at any time.	Permitted
2012/0348 (Feb. 2012)	Enlargement of existing vehicle access	Permitted
2012/0349 (Feb. 2012)	Erection of an agricultural building to be used for the storage of agricultural equipment and machinery.	Prior Approval Not Required
2013/0712 (April 2013)	The demolition of existing livestock buildings and replacement with a steel portal framed livestock building.	Permitted
2013/2307/FUL (Nov. 2013)	The erection of two 18.29m x 12.19m steel portal frame buildings to be used for calf rearing.	Permitted
2014/0830/CNT (May 2014)	Extension of composting facility, including enlargement of screen bund and erection of processing building.	Permitted
2016/2426/FUL (Oct. 2016)	Change of use, extension and conversion of agricultural building to dwelling house	To be determined
2016/3103/CNT (Dec. 2016)	Development of waste management facility at the Green Ore Farm Waste Composting Site including a weighbridge and office/staff facilities.	To be determined

\*Site overlaps with the previous application site

# LOCATION PLAN



**Mendip Hills A.O.N.B.**

**THE APPLICATION SITE 2016/3103**

**NORTH**  
1:30,000  
Scale

Philip Higginbottom  
Service Manager - Planning Control  
Enforcement and Compliance  
Somerset County Council  
County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

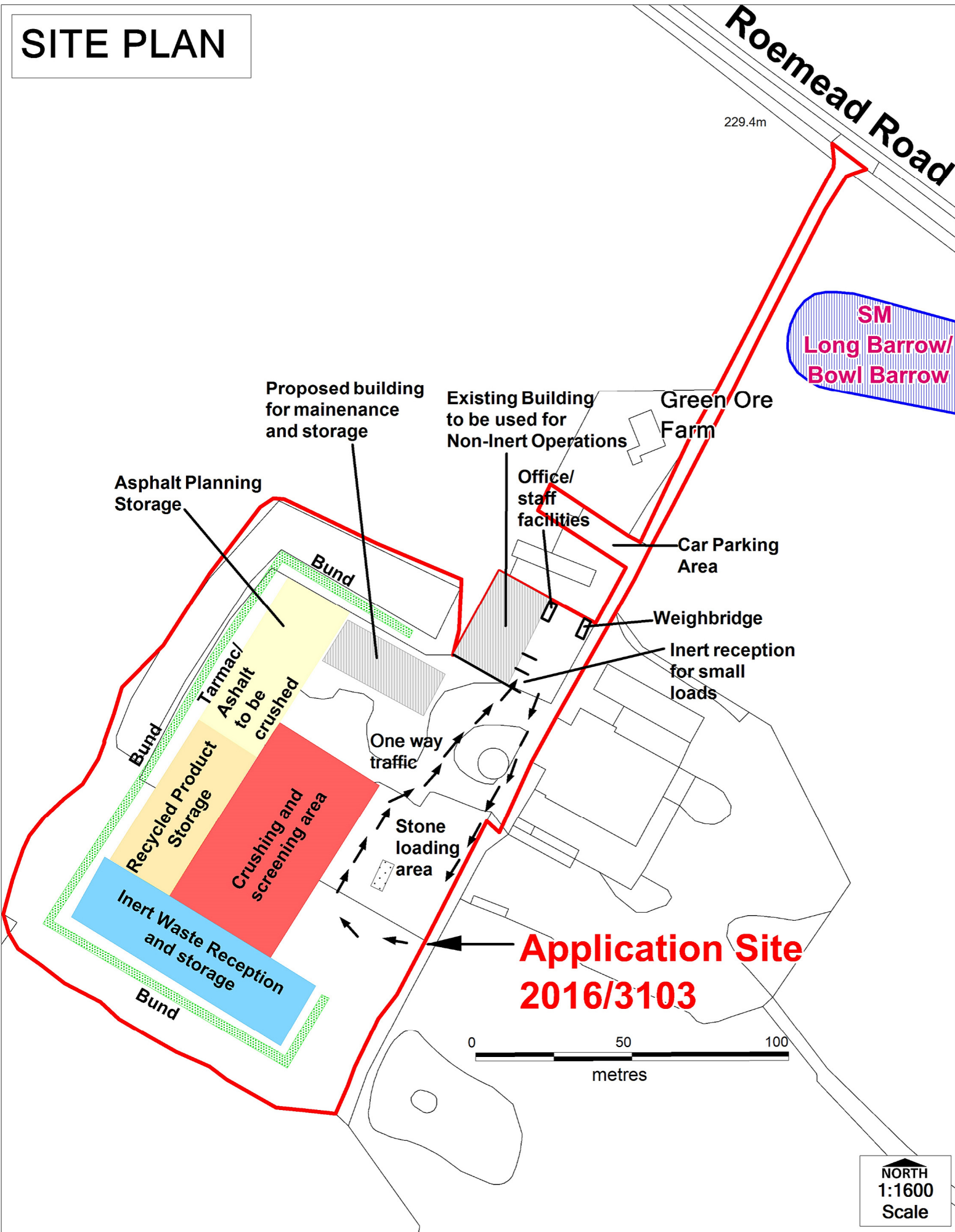
Page 63 Reference  
Application No: 2016/3103

Environmental Management Support Team  
Drawn by: Paul Silvers Dated: 13 February 2017

This page is intentionally left blank



**SITE PLAN**



This page is intentionally left blank

Somerset County Council  
Regulation Committee – 2 March 2017  
Report by Service Manager - Planning Control,  
Enforcement & Compliance : Philip Higginbottom

---

*Application Number:* 16/05326/R3C  
*Date Registered:* 9/12/16  
*Parish:* Broadway  
*District:* South Somerset  
*Member Division:* Ilminster  
*Local Member:* Linda Vijeh  
*Case Officer:* Karen Turvey  
*Contact Details:* kturvey@somerset.gov.uk  
(01823) 355196

*Description of Application:* **ERECTION OF SINGLE STOREY MODULAR BUILDING TO PROVIDE NURSERY PLACES AT NEROCHE PRIMARY SCHOOL, BROADWAY ROAD, BROADWAY, ILMINSTER, SOMERSET, TA19 9RG**

*Grid Reference:* 332555 - 115536

*Applicant:* Somerset County Council

*Location:* The application site of approximately 400 sq m lies in the north-east corner of the Neroche Primary School site. The Primary School is located in the village of Broadway, approximately 3.5km to the north-west of the centre of Ilminster.

## **1. Summary of Key Issues and Recommendation(s)**

1.1 The key issues for Members to consider are:-

- Whether the proposal is in accordance with the Development Plan;
- Sustainable Development;
- Settlement Strategy
- Educational Need;
- General Development;
- Highway Impacts.

**It is recommended that planning permission be GRANTED subject to the imposition of the conditions in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

## **2. Description of the Site**

- 2.1 Neroche Primary School is on the southern side of Broadway Road from which it gains access. Broadway Road runs roughly east-west through Broadway and is the main route through the village. Adjacent to the northern side of Broadway Road opposite the school is a row of residential properties and part of an agricultural field. The north-eastern boundary of the school abuts Lamparts Way which is a residential cul-de-sac running south off Broadway Road. A public footpath (CH2/7) is adjacent to the south-western boundary of the school beyond which lies residential properties (adjacent to the northern end) and a public play area (adjacent to the southern end). To the south-east of the school site are agricultural fields with the River Ding beyond. Although the school playing fields lie partially within flood zone 3 the application site is within flood zone 1. Broadway village is identified in the South Somerset Local Plan as a rural settlement with no identified development limits.
- 2.2 The school building is located in the northern half of the school site with a surfaced play court to its west and grassed playing fields occupying the southern half of the site. The existing building has a rectangular footprint and is single storey, although with a higher element for the school hall, and has a flat roof. The external elevations comprise of horizontal bands of coursed random stonework to the lower part and horizontal, painted cement board cladding towards the top of the walls.
- 2.3 The application site abuts the north-eastern and north-western school boundaries in the north-east of the school site. The area has trees along both external boundaries (some within the site and some adjacent), a hedgerow along the north-western boundary and there is also an internal beech hedge towards the southern end of the application site.

## **3. Site History**

- 3.1 There have been few applications for development since the school was originally built in the 1970s although there have been several phases of internal remodelling and external improvements.

10/01024/R3C – permission for installation of timber fencing and gates to the existing school car park.

## **4. The Proposal**

- 4.1 The proposal is for the construction of a single storey building for use as a nursery/pre-school. This proposal has come forward in order to help Somerset County Council fulfil the forthcoming Government requirement to provide 30 hours of free childcare for 3 and 4 year olds of working parents which comes into force from September 2017. Research by SCC Early Years team has shown that there is a high eligibility for the '30 hours offer' in

the Ward within which Neroche Primary School is located. However, this research has also shown that not enough of the existing providers in that area have the ability to offer the extended entitlement to 30 hours of free childcare to meet the anticipate demand. Hence this proposal.

- 4.2 The proposed building would be located in the north-east corner of the school with the external walls running parallel to the site boundaries. The new building would measure 10m by 12.5m with the grey corrugated metal flat roof at approximately 3m above ground level. The external walls of the building would be covered with horizontal timber cladding. A new walkway would provide access to the building from a new pedestrian gateway to be created in the existing timber fence beside the car park entrance. The entrance to the building would be on the south-west elevation (facing the car park) with a second doorway on the south-east elevation leading out from the main room to a play area beneath a canopy attached to the building.
- 4.3 The land on which the building and new walkway would be located is mainly an unused grass area in the corner of the school site but also overlaps with part of the tarmac car parking area. This part of the car park was originally marked out with 3 vehicle spaces across its width. Due to the depth of this area of tarmac it was observed on site that cars double park nose to tail. The proposed development would reduce the depth of this part of the car park but increase its width thereby creating a fourth marked space in this part of the car park.
- 4.4 The building would be situated in close proximity to the trees along the boundaries. Following concern raised about the impact of the proposed development on those trees and the possible loss of them to the street scene some revisions were made to the details of the proposal. In order to protect the trees the use of pile foundations has been proposed. This would result in minimum disturbance to the root protection zones of those trees. Some pruning to the tree canopies would also be required to create working room for the construction of the building and an ongoing separation between the building lines and the tree canopies. To avoid further works within the root protection zones of the trees, paths originally proposed around the north-eastern and north-western sides of the building have been removed from the plan and a buggy store has been relocated away from the trees. Rainwater drainage from the eastern half of the roof would be discharged to the ground, away from the building and towards the tree roots. The beech hedge towards the south-east of the application site would need to be removed.
- 4.5 **Documents submitted with the application**
- Design and Access Statement issue 2 dated 22 November 2016;
  - Staff numbers email dated 29 November 2016 plus further staffing detail received 3 February 2017;
  - Neroche School Travel Plan 2016-2018 dated September 2016;
  - Location and Site Plan DR-A-9001 Revision P04 dated 27 January 2017;
  - Existing Site Plan DR-A-9000 Revision P01 dated 15 November 2012
  - Proposed Ground Floor Plan Revision DR-A-9002 Revision P04 dated 7 January 2017;

- Proposed Roof Plan DR-A-9003 Revision P04 dated 27 January 2017;
- Proposed Elevations DR-A-9004 Revision P04 dated 27 January 2017;
- Tree Survey and Arboricultural Assessment 1 February 2017;
- Supporting Statement from SCC Early Years and Childcare Sufficiency Team 3 February 2017.

#### 4.6 **Environmental Impact Assessment**

The proposal does not require an Environmental Impact Assessment under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as the proposed development is not development of a description mentioned in Schedule 1. It is of a description mentioned in Schedule 2 of the Regulations that being paragraph 10 (b): Urban Development Projects. However with a site area of 0.039 hectares it falls below the relevant Thresholds and Criteria in that Schedule (more than 1 hectare which is not dwelling house development) and the site does not lie within a sensitive area and so does not require screening and is not therefore EIA development.

### 5. **Consultation Responses Received**

#### 5.1 SOUTH SOMERSET DISTRICT COUNCIL

Initially objected due to proximity to and potential loss of boundary trees. Following receipt of plans showing pile foundations and removal of some paths the District Council was re-consulted and the objection has been withdrawn subject to conditions to protect the trees and their roots.

#### 5.2 BROADWAY PARISH COUNCIL

i) Expressed disappointment at the lack of dialogue with the community following initial contact and the expression of concerns over traffic and parking;

ii) Concern over any impact on the current pre-school provision (Neroche Playgroup) located at the Village Hall and whether there is sufficient demand for both. Any significant adverse effect on the current provision could have a follow on financial impact on the sustainability of Broadway Village Hall and therefore other village activities. Concern was also expressed about the sustainability of other local play groups;

iii) There are already long standing concerns regarding congestion and safety for all road users in the area of the school especially when children are being dropped off and collected. It is not clear there is a local need for the pre-school so children would need to be transported in from other areas and the likelihood of parents walking their children to the school negligible. There are therefore concerns regarding increased vehicle movements for dropping off and picking up the 30 nursery children with cars parked for up to 10 minutes so that the small children can be accompanied in and out of the school. The layby outside the school is not sufficient to accommodate the current demand which means there is a consistent high level of parking along Broadway Road and in the nearby Lamparts Way. It is also questionable whether the provision of staff parking within the school curtilage is adequate. Much further consideration should be given to overcoming

these issues before any planning approval is given;

iv) Broadway Parish Council supports the principal of providing educational opportunities for 3-4 year olds. However this support is only given as long as all measures are taken to mitigate the impact of the sustainability of current local facilities, the additional traffic and parking problems which it is expect would be created.

### 5.3 HIGHWAY AUTHORITY

Following receipt of additional information the Highway Authority would raise no objection to the application subject to the following condition:-

Before the new development is first brought into use, a School Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such approved plan shall be fully implemented in perpetuity unless otherwise agreed in writing with the LPA. The plan shall include:

- Designated entry points;
- Drop off points;
- Staff parking;
- Parent parking;
- Visitor parking;
- Servicing / Deliveries /Contractors parking;
- Disabled access;
- Management practices.

The document shall be made available to employees, pupils, parents and carers.

The document is to be reviewed annually and awareness raised regularly through parental events, pupil sub groups, assemblies and school meetings.

### 5.4 PUBLIC CONSULTATION

One response was received to public consultation objecting to the proposal:-  
“My concern is the impact more vehicles will have on road safety for vehicles and pedestrians in the area surrounding the school. The volume of traffic and cars parking is already at an extremely high level, to the point of being dangerous. Every day cars park opposite or within 10 metres of the junction of Lamparts Way. The police were on site recently moving people. Cars already park on the grass verge of the bend opposite the school. This means that visibility around the corner and on the junction is greatly reduced.

On several occasions in the last few weeks' people have had to park right across my driveway blocking access as there was no other space left. I have had to complain to the school in the past about someone regularly turning on my driveway, which they did deal with.

The parking on the map is already being used so where will the extra staff park and also the parents when dropping off and picking up. The parking situation needs addressing as it is so how will the area cope with even more vehicles.”

## **6. Comments of the Service Manager**

6.1 The key issues for Members to consider are:-

- Whether the proposal is in accordance with the Development Plan;
- Sustainable Development;
- Settlement Strategy
- Educational Need;
- General Development;
- Highway Impacts.

### **6.2 The Development Plan**

Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of:

- The South Somerset Local Plan 2006 – 2028: adopted March 2015 (SSLP);
- Saved Policy 6 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011, adopted 2000 (SP).

### **6.3 Material Considerations**

- National Planning Policy Framework published March 2012 (NPPF);
- Somerset County Council Parking Strategy adopted September 2013 (SCCPS);
- Chief Planning Officer's Letter: Policy Statement on Planning for Schools Development dated 15 August 2011.

### **6.4 Sustainable Development**

The NPPF has a presumption in favour of sustainable development (paragraph 14). Policy SD1 of the SSLP on Sustainable Development requires a proactive approach to be taken to reflect the presumption in the NPPF and by seeking to secure development that improves the economic, social and environmental conditions within the District.

6.5 The proposed pre-school would bring economic benefit to the area as a result of the creation of 3 new full-time staff posts at the school site and due to education being recognised as bringing long term economic benefit in respect of future employment. Broadway Parish Council has questioned the impact of the new pre-school on the sustainability of the existing pre-school at the village hall and others locally. The Early Years and Childcare Sufficiency Team at SCC have since provided an explanation as to how the two pre-schools would work together, with the parish hall site providing provision for 2-3 year olds and the new building at the school catering for children aged 3 + years. The joint working would enable the required early years provision of extended hours to meet the needs of working families as set out in the Governments' 30 hours offer. A high demand for the 30 hours childcare is anticipated and the service in itself would bring economic benefit by enabling more parents to work.



6.6 The pre-school would bring new parents into contact with each other with the potential to enhance community social networks both for those parents and their children. The revisions to the building foundations and new pathways will protect the trees on and adjacent to the site resulting in no detriment to the local natural environment. I therefore consider the proposal to accord with SDLP policy SD1 and the sustainable principles of the NPPF.

6.7 **Settlement Strategy**

Broadway and Horton are considered to be Rural Settlements. SDLP policy SS2: Development in Rural Settlements states that development will be permitted where it is commensurate with the scale and character of the settlement and provides for one or more of i) employment opportunities; ii) community facilities to serve the settlement; iii) meeting the housing need. The proposal would be for a building subservient to the existing school and in keeping with its character and that of the rural village. It would provide additional employment both directly and indirectly and enhance the community facilities available to the local population. I therefore conclude that proposal is in accordance with SDLP policy SS2.

6.8 **Educational Need**

From September 2017, 3 and 4 year olds of working parents in England will be eligible for 30 hours per week of government funded childcare for 38 weeks of the year. In order to meet this need, SCC propose to construct a purpose built building for pre-school provision at Neroche Primary School to supplement that already available at the village hall. Both the NPPF (paragraph 72) and the 2011 Policy Statement on Planning for Schools Development state that there should be a presumption in favour of the development of state-funded schools. Paragraph 72 of the NPPF states that local planning authorities should give great weight to the need to create, expand or alter schools. Siting pre-schools on primary school sites provides a continuity of educational environment for young children, smoothing the transition from pre-school to school. I consider that after September 2017 the need for pre-school places will increase and that this proposal is an appropriate means of fulfilling that need.

6.9 **General Development**

SSLP policy EQ2: General Development requires development proposals to be considered against:-

- Sustainable construction principles;
- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Creating safe environments addressing crime prevention and community safety;
- Having regard to South Somerset District Council's published Development Management advice and guidance; and
- Making efficient use of land whilst having regard to:
  - Housing demand and need;
  - Infrastructure and service availability;

- Accessibility;
- Local area character;
- Site specific considerations.

6.10 The proposed building would be purpose built for use as a pre-school providing a dedicated quality space for the development of the children attending it. The unit would be clad in sustainable timber cladding and consideration has been given to providing foundations that would not negatively impact upon the surrounding trees. In addition some of the rain water from the roof of the building would be directed towards the roots of the trees further reducing the impact of the development upon them. The building respects the local context as the design is similar to that of the existing school and it sits within the existing building line along that part of Broadway Road. The pre-school would have its own pedestrian access off Broadway Road and the grounds would be secured by the relocation of the existing fence closer to the school boundary. The building location makes efficient use of land as much of the application site is an area of unused grass outside the existing play grounds of the school. Whilst the development would encroach onto the tarmac area of the car park and would reduce the opportunities for double parking it would enable an increase to the marked parking spaces by one additional space. I consider the proposal is in accordance with SDLP policy EQ2.

**6.11 Highway Impacts**

SSLP policy TA5: Transport Impacts of New Development states that all new development shall be required to address its own transport implications and shall be designed to maximise the potential for sustainable transport. Policy TA5 has a number of elements relevant to this proposal:-

- a) securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all;
- b) ensuring the nature and volume of traffic and parked vehicles would not have a detrimental impact upon the character or amenity of the area and would not compromise the safety and/or function of the local or strategic network;
- c) requiring car parking in accordance with approved/adopted standards identified in policy TA6 (which points to the County Council Parking Standards).

6.12 The existing primary school has separate pedestrian and vehicular accesses to provide safe access for all that is on level ground and therefore inclusive of all users. A new pedestrian access would be created for the pre-school beside the vehicular access into the car park and this would also be on level ground. Due to the lack of footways along Broadway Road other than in the immediate vicinity of the school the options for a walking bus are limited although during my site visit parents were observed walking their children along the road from the village hall, approximately 210m to the east along Broadway Road. The Headteacher has also reported that some parents make use of the car park at the Bell Inn, approximately 160m to the west along Broadway Road. The drop-off and collection of school pupils is staggered due to the provision of a morning breakfast club and a variety of

after school clubs plus availability of an after school extended childcare service. There is a layby outside the full width of the school frontage between the car park entrance and the western boundary of the school. In the mornings two car spaces are coned-off adjacent to the pedestrian entrance to the school and managed as 'drop and go' spaces so that the turn-over of vehicles is maximised. The layby can also accommodate a further 7 cars and is well utilised by parents. Traffic monitoring during the second week of the autumn term shows that between 24 and 32 vehicles used the 'drop and go' facility each day. Pick-up time at the end of the school day is often more congested than drop-off due to parents arriving early and waiting for their children. The traffic report indicates that since the monitoring undertaken at the start of the autumn term, after school clubs have been increased such that there are now 5 clubs each school day rather than just 3 operating Monday to Wednesday thereby further staggering times of collection of the children. The Early Years and Childcare team have indicated that children attending the early years provision tend to have more staggered arrival and departure times.

- 6.13 The Highway Authority has not objected to the proposal for the introduction of the pre-school at this site. However, whilst it is clear the school are taking steps to manage the traffic around drop-off and pick-up time in order to minimise any impacts, the Highway Authority has requested that a condition be attached for the submission, approval and implementation of a School Traffic Management Plan to include all parents, staff and visitors for both school and pre-school and that this plan be made known to all employees, pupils, parents and carers. Although figures provided by the Headteacher indicate that around 50 vehicles are taken out of the dropping off and collection peaks by those walking/cycling to school, the use of out of school hours activities, managed drop off and use of the layby this still leaves another 50 or more vehicles making use of the local roads. In a rural village such as Broadway this would have an impact upon other road users although this would be for a limited period at the start and end of the school day. As the situation stands I consider that whilst the accesses are safe and inclusive as required by point a) above, the number of vehicles could have a detrimental impact upon the amenity and function of the local road network as required by point b) above. However, it is the impact of the addition of the pre-school that is under consideration here. Figures provided by the school indicate that the number of additional vehicles likely to attend the school as a result of the introduction of the pre-school is a further 10 due to siblings sharing trips and parents living in the vicinity walking to the pre-school. The pre-school opens 5 minutes after school start time and core hours finish 30 minutes before the school day ends. I do not consider that the pre-school would add significantly to any congestion outside the school at peak times but given the existing situation I consider that the proposal as submitted is not wholly in accordance with SDLP policy TA5 and the school and parents need to be encouraged to do more to reduce these impacts. The imposition of a condition as proposed by the Highway Authority would ensure that the school would have to introduce further measures to tackle the congestion

and with that condition I consider the proposal would comply with SDLP policy TA5.

- 6.14 SDLP policy TA6 requires car parking to be in accordance with the Somerset Parking Standards. For primary schools, and this would also extend to pre-schools, the standard is for 1 space per 2 full-time equivalent (FTE) staff. At present the school has 18.77 FTE staff which would indicate a need for 9.5 parking spaces. At present the marking for parking is very faded to the point of being non-existent in places but aerial photos from 2001 show that there used to be 11 marked spaces. There is therefore one extra space beyond that needed for the existing number of staff under the parking standards. Once the pre-school is open there would be a further 3 to 4 FTE staff. The section of car park adjacent to the pre-school is currently 3 spaces wide but part of the proposal is to enlarge this area to four spaces wide thus creating one additional space. That extra space in addition to the original marking would result in 12 spaces for, at most, 22.77 FTE. In conclusion there is considered to be latent excess capacity of 1 space at the school at present and the inclusion of the pre-school along with the creation of an additional space would result in the parking provision at the site being in accordance with the Somerset Parking Standards. I therefore consider the proposal accords with SDLP policy TA6.

## 7. Conclusion

- 7.1 The construction of a new building for a pre-school facility at Neroche Primary School would bring economic and social benefits without detriment to the local natural environment. The design of the building is appropriate for its location and that location sits well within the local built environment. Given the forthcoming introduction of provision of extended free childcare for working parents there is a strong need for pre-school places and the NPPF and the 2011 Policy Statement on Planning for Schools Development are both material considerations giving strong support for expanding and altering schools. I consider that with conditions requiring the School Traffic Management Plan, as requested by the Highway Authority, and an updated School Travel Plan then the highways issues can be managed such that impacts are acceptable. Given the compliance with other policies and the strong support from material considerations I recommend approval of this proposal.

## 8. Recommendation

- 8.1 **It is recommended that planning permission be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager - Planning Control, Enforcement & Compliance.**

**1 Time Limit (3 years implementation)**

The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

**2 Completion in accordance with the approved details**

The development hereby permitted shall be carried out in strict accordance with the approved plans:-

- Location and Site Plan DR-A-9001 Revision P04 dated 27 January 2017;
- Existing Site Plan DR-A-9000 Revision P01 dated 15 November 2012
- Proposed Ground Floor Plan Revision DR-A-9002 Revision P04 dated 27 January 2017;
- Proposed Roof Plan DR-A-9003 Revision P04 dated 27 January 2017;
- Proposed Elevations DR-A-9004 Revision P04 dated 27 January 2017;

and specifications:-

- Tree protection barriers in the Tree Survey and Arboricultural Assessment 1 February 2017;

and with any scheme, working programme or other details submitted to and approved in writing by the County Planning Authority in pursuance of any condition attached to this permission.

Reason: To enable the County Planning Authority to deal promptly with any development not in accordance with the approved plans.

**3 Commencement**

Written notification of the date of commencement shall be given to the County Planning Authority within seven days of the commencement of the development hereby permitted.

Reason: To enable the County Planning Authority to monitor compliance with conditions.

**4 Walkway construction methodology**

Before commencement of the development hereby permitted construction details of the pedestrian walkway in the vicinity of the Norway Maple identified as T3 on the Arboricultural Survey to minimise impacts upon the roots of that tree shall be submitted to and approved in writing by the County Planning Authority. The walkway shall be implemented in accordance with the approved details.

Reason: In the interest of local landscape.

**5 Tree protection**

Before the commencement of the development hereby permitted including

site vegetation clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, tree protection measures in accordance with 'British Standard 5837: 2012 - Trees in relation to design, demolition and construction' and including tree protection barriers and ground protection for tree roots as identified on drawing 4397 accompanying the Tree Survey dated 1/2/17 shall have been implemented in accordance with a scheme full details of which shall have been submitted to and approved in writing by the County Planning Authority. The approved tree protection requirements shall remain implemented in their entirety for the duration of the construction and fitting out phases of the development hereby permitted.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees).

## **6 Foundations**

There shall be no underground structures laid between the pile foundations referred to on drawing DR-A-9002.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees).

## **7 School Traffic Management Plan**

Before the first occupation of the development hereby permitted a School Traffic Management Plan shall be submitted to and approved in writing by the County Planning Authority. Such approved plan shall be fully implemented for the duration of the development hereby permitted. The plan shall include:

- Designated entry points;
- Pupil drop off and collection points;
- Staff parking;
- Parent parking;
- Visitor parking;
- Servicing / Deliveries /Contractors parking;
- Disabled access;
- Management practices.

The School Traffic Management Plan shall be reviewed annually and made available in both paper and electronic format to employees, pupils, parents and carers with awareness of it being raised through parental events, pupil sub groups, assemblies and school meetings.

Reason: In the interests of highway safety.

## **8 School Travel Plan**

Within six months of the first occupation of the development hereby permitted an updated School Travel Plan to cover travel by all pupils and staff at the pre-school and school shall be submitted to and approved in writing by the County Planning Authority. The School Travel Plan shall be reviewed on an annual basis.

Reason: In the interests of highway safety.

## 9. Relevant Development Plan Policies

- 1 The following is a summary of the reasons for the County Council's decision to grant planning permission.
- 2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in the :-
  - The South Somerset Local Plan 2006 – 2028: adopted March 2015

The policies in that Plan particularly relevant to the proposed development are:-

SD1 – Sustainable Development – The proposal delivers economic and social benefits and protects the natural environment so meeting the criteria for sustainable development in accordance with this policy.

SS2 – Rural Settlements – The proposal is in accordance with this policy as the proposed development is commensurate with the scale and character of the settlement and provides both employment opportunities and community services.

TA4 – Travel Plans – The application is supported by the school's existing travel plan and data on modes of travel. This will be required to be updated within 6 months of occupation to more accurately reflect the modes of travel used by staff and pupils at that time. The proposal therefore is in accordance with this policy.

TA5 – Transport Impact of New Development – All new development shall be required to address its own transport implications. In accordance with this policy the proposed pre-school building has safe and inclusive means of access. Conditions are proposed to further address the existing traffic congestion beyond those measures already put in place by the school. With the condition for a School traffic Management Plan, the proposal is in accordance with this policy.

TA6 – Parking Standards – In accordance with this policy the parking provision for the expanded school site is in accordance with the Somerset Parking Strategy. The vehicle access to the site is separate from the pedestrian access which enhances site safety.

EQ2 – General Development – the proposed pre-school would provide a quality place for early years education, would not impact upon the mature

trees nearby thereby conserving the landscape character of the area and would make efficient use of land so is in accordance with this policy.

- 3 The County Council has also had regard to all other material considerations in particular the National Planning Policy Framework March 2012 and the Policy Statement on Planning for Schools Development.

- 4 **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

In dealing with this planning application the County Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework, the saved Policy 6 of the Structure Plan, Core Strategy and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reasons for approval. The County Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

## 10 **Background Papers**

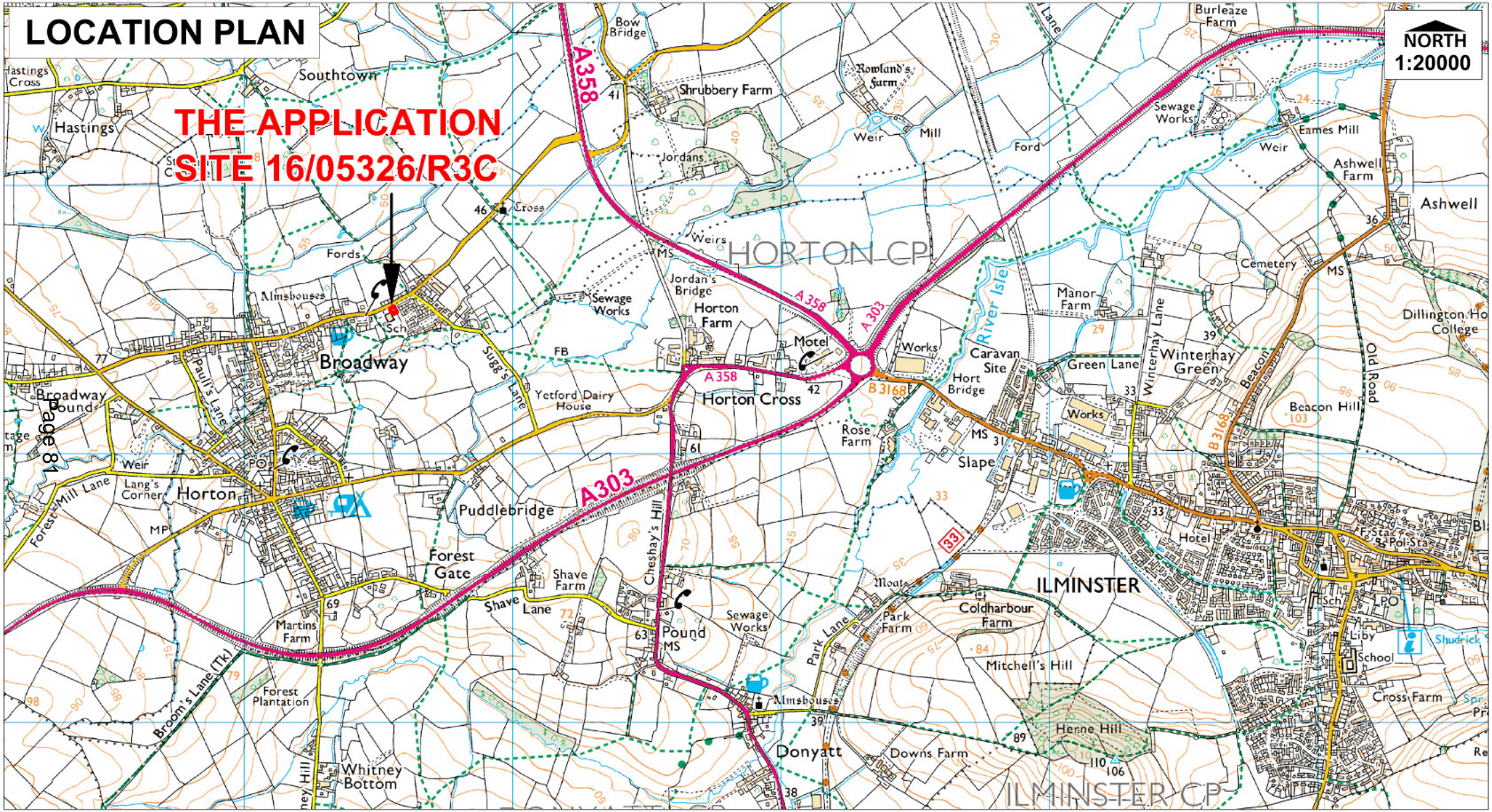
- The application file 16/05326/R3C;
- National Planning Policy Framework published March 2012;
- Chief Planning Officer's Letter: Policy Statement on Planning for Schools Development dated 15 August 2011.



# LOCATION PLAN

## THE APPLICATION SITE 16/05326/R3C

NORTH  
1:20000



**SOMERSET**  
  
 Philip Higginbottom  
 Service Manager  
 Planning Control, Enforcement and Compliance  
 Community & Environmental Services  
 Somerset County Council  
 County Hall TAUNTON TA1 4DY

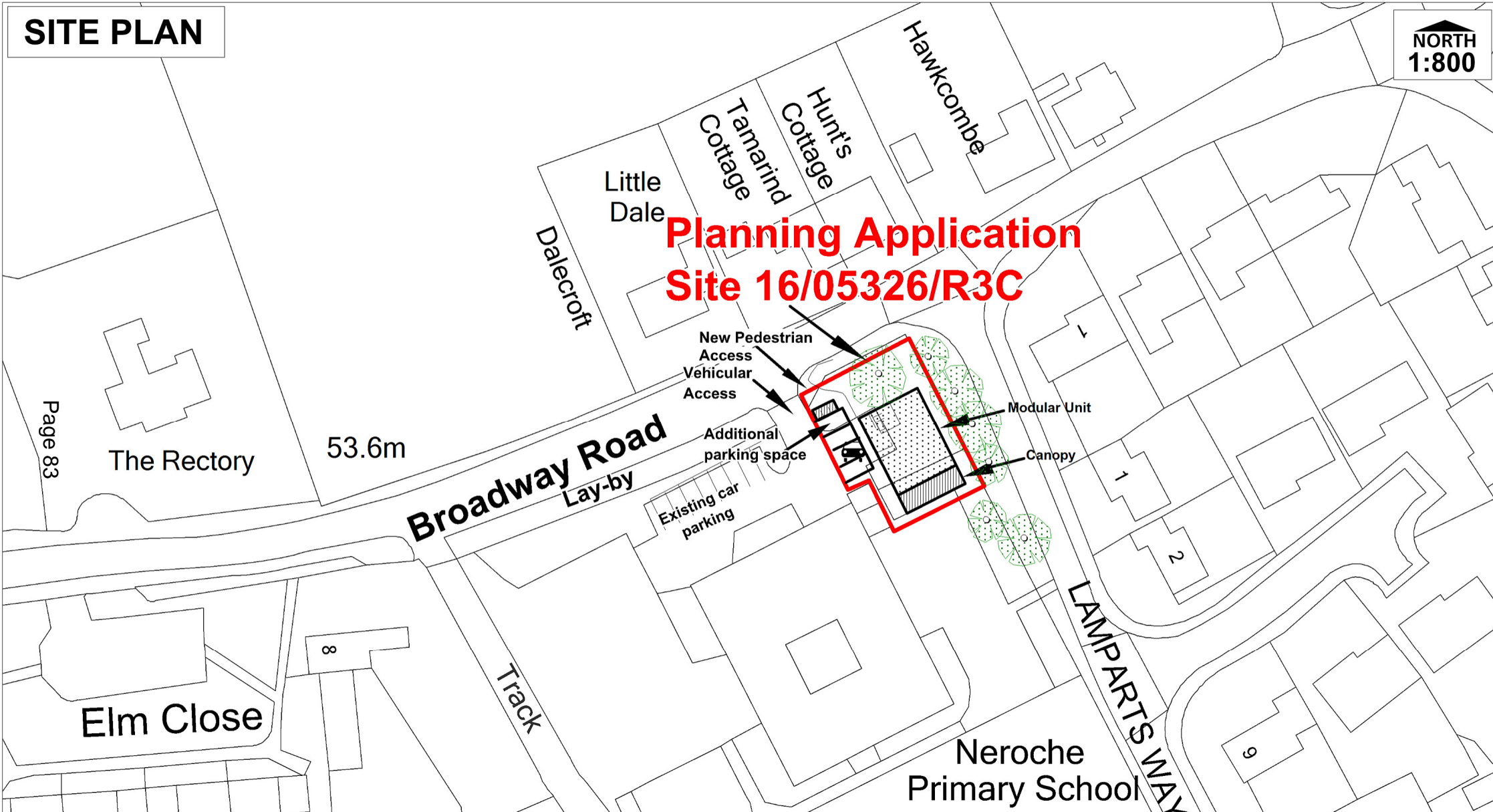
© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and May lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Site Name:  
**Neroche Primary School, Broadway**

Planning Control  
 Drawn by: **P Silvers** Dated: **9 Feb 2016**

This page is intentionally left blank

**SITE PLAN**



**SOMERSET**  
  
 Philip Higginbottom  
 Service Manager  
 Planning Control, Enforcement and Compliance  
 Community & Environmental Services  
 Somerset County Council  
 County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright.  
 Unauthorised reproduction infringes Crown Copyright and May lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Site Name:  
**Neroche Primary School, Broadway**

Planning Control  
 Drawn by: **P Silvers** Dated: **9 Feb 2016**

Page 83

This page is intentionally left blank

Somerset County Council

Regulation Committee – 2 March 2017

Report by Service Manager –

Planning Control, Enforcement & Compliance: Philip Higginbottom

---

*Application Number:* 1/12/16/026  
*Date Registered:* 6 December 2016  
*Parish:* Burnham Without  
*District:* Sedgemoor  
*Member Division:* Brent  
*Local Member:* Cllr John Denbee  
*Case Officer:* Bob Mills  
*Contact Details:* [rwills@somerset.gov.uk](mailto:rwills@somerset.gov.uk)  
tel: 01823 356019

*Description of Application:* **ERECTION OF VENT STACK, LOVE LANE, BURNHAM-ON-SEA**  
*Grid Reference:* 331487-14918  
*Applicant:* Wessex Water  
*Location:* The Love Lane site is located on the edge of the Burnham-on-Sea built up area, and to the north of the B3140.

## **1. Summary of Key Issues and Recommendation(s)**

- 1.1 The application seeks to amend a previously approved site restoration scheme. The main issue to be taken into account is:
  - Odour impact.
- 1.2 It is recommended that planning permission is GRANTED subject to the conditions set out in section 8 of this report and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance.

## **2. Description of the Site**

- 2.1 The B3140 connects with a roundabout on the A38 that also connects with M5 junction 22. At its western end, approximately 2.1km distant, the B3140 enters the built-up area of Burnham-on-Sea via a roundabout. Love Lane heads northward and westward from the roundabout.
- 2.2 The proposed vent stack location is approximately 80m north of the B3140 and roundabout, on the approximately 3m wide roadside verge on the east side of Love Lane. A hedgerow is located alongside the verge. The land

further eastward is in agricultural use with a rail line approximately 850m away, on the far side of which is a caravan park.

- 2.3 On the opposite (west) side of Love Lane is an approximately 10m wide roadside verge, beyond which are residential properties facing onto Cunningham Road.
- 2.4 The application is located within Flood Zone 3.
- 2.5 The application site is not regarded as of ecological or archaeological importance.

### **3. Site History**

- 3.1 In the late 19<sup>th</sup> century Manor Farm and Rosewood Farm were located alongside the bend in Love Lane where it headed northward. Little other development was alongside the lane at its western end. By the 1930s a number of residential properties had been constructed alongside the western part of the lane.
- 3.2 In the 1960s further residential properties were constructed at the western end of the lane, and by the mid-1970s considerably more residential properties were constructed to the south. The B3140 was also constructed and a roundabout built at the bend in the lane. By the early 1990s the development to the west of the application site had also been constructed.

### **4. The Proposal**

- 4.1 The proposed ventilation stack would be 6m high and constructed of glass reinforced plastic, coloured grey.
- 4.2 The proposed development is a part of a wider scheme to construct 5.67 km of new sewer pipework, split between two new rising mains that would be provided using permitted development rights. The development would increase the capacity of the local sewer network to reduce the risk of flooding to a number of properties in Brent Knoll and East Brent.
- 4.3 The first section of sewer pipework runs between Wessex Water's Brent Knoll Forge House Sewage Pumping Station (SPS) and the existing sewer network on Love Lane, Burnham-on-Sea. The second rising main runs from the proposed Brent Street SPS, which was recently permitted and is under construction on a site behind the Brent Knoll primary school. The rising main would run across various fields before feeding into the same location on Love Lane. The proposed vent stack would be located within the highway verge on Love Lane connecting into the proposed rising mains.
- 4.4 The development is required in order to release pressure and gases from within the sewer network to allow the rising main to function correctly.

- 4.5 The development is proposed to commence in early 2017. It was noted in mid-February that Love Lane was closed to allow for the installation of the rising main within the highway. Wessex Water has proposed that the vent stack is installed at the same time to avoid further disruptions to local residents.
- 4.6 **Application Documents:** The application comprises;
- Application form, etc.;
  - Documents (Wessex Water):
    - C9714 Brent Knoll Flooding Love Lane Vent Stack Environmental Supporting Statement
  - Drawings:
    - Brent Knoll Vent Stack Environmental Constraints Plan (Wessex Water Environmental Services Team, drg.no. C9714/ENV/100/REV a, scale 1:750@A3);
    - New Vent Stack Planning Application Existing & Proposed Site Plan (Atkins, drg.no. C9714/771 rev A, scale 1:500 @A2)
- 4.7 **Screening Opinion:** The proposed works are not Schedule 1 or Schedule 2 development as defined within the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (as amended). As such they do not require an Environmental Impact Assessment.

## 5. Consultation Responses Received

5.1 **Sedgemoor District Council:** NO OBJECTION.

5.2 **Burnham Without Parish Council:** NO OBJECTION.

5.3 **Environment Agency:** No comments received.

5.4 **Southwest Heritage Trust:** NO OBJECTION.

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

5.5 **Local Highway Authority:** NO OBJECTION.

- The site lies along Love Lane a classified un-numbered road that is subject to a 30mph speed restriction at this point.
- There appear to be no recorded Personal Injury Accidents within the vicinity of the site.
- The proposal is to erect a vent stack at the back of the highway verge that runs along the eastern side of Love Lane. Its location is not within a visibility splay and is located away from the kerb edge.
- There are no highway safety concerns.
- A licence may be required to work within the highway therefore the applicant should therefore liaise with the Area Highway Office at Dunball if permission is granted.

- 5.6 **Other Internal Consultees:**  
**Scientific Services (Air Quality Advisor):** NO OBJECTION.
- 5.7 **Public Comments:** Comments have been received from two local residents.
- One queries whether the vent stack would cause odour locally, and whether there is any long term health implications from toxic waste gases released.
  - The other objector also referred to the likelihood of odour issues, particularly in the summer when occupying the garden area.

## 6. Comments of the Service Manager

- 6.1 The planning application relates to the erection of a vent stack alongside Love Lane, Burnham-on-Sea.
- 6.2 **Development Plan:** Regard is to be had to the development plan for the purpose of this determination, which must be made in accordance with the plan unless material considerations indicate otherwise. Relevant policies may be found in the Sedgemoor Core Strategy (SCS, adopted May 2013) and the Somerset Waste Core Strategy (SWCS, adopted February 2013). Also taken into account are the National Planning Policy Framework (NPPF, published March 2012) and the National Planning Policy for Waste (NPPW, published October 2014).
- 6.3 **National Policy:** The NPPW states that when determining waste planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity, and the locational implications of any advice on health from the relevant health bodies. Proposals should also ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.
- 6.4 Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 6.5 **Local Policy – Location:** SWCS policy DM1 (Basic Location Principles) states that planning permission will be granted for waste management development at locations that are well connected to the strategic transport network, which adhere to the principles of sustainable development and which support delivery of strategic policies. Waste management development will normally be located on sites including:
- existing waste management sites, sites with planning permission for waste management facilities and sites allocated for waste-related uses;
  - land in existing general industrial use (B2 use class) or in existing storage and distribution use (B8 use class);
  - land allocated for B2 and B8 purposes; or
  - previously developed land.
- The use of unallocated greenfield land will be strictly controlled and limited in accordance with the Development Plan.
- Policy DM2 (Sustainable Construction and Design) states that planning



permission will be granted for waste management development subject to the applicant demonstrating a commitment to sustainable construction and design. Proposals will be considered favourably where they incorporate measures to (amongst other things):

- contribute positively to the character and quality of the area; and
- prioritise the use of sustainable urban drainage systems.

In this case, the vent stack would not be located in accordance with policy DM1. In addition, it would not add to the area's character or quality; however, the proposed development is of minimal scale and would assist in reducing flooding in Brent Knoll and East Brent.

- 6.6 In this case, the application site does not meet the above-mentioned requirements; however, the siting of the vent stack is dependent on the location of the junction between the existing and proposed sewage mains. It is therefore regarded as acceptable subject to the development not causing significant adverse impacts in the local area.
- 6.7 **Odour Impact:** SCS policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) states (amongst other things) that development proposals that are likely to result in levels of air contamination that would be harmful to other land uses or the built and natural environment will not be supported. Where there are reasonable grounds to suggest that a development proposal may result in a significant adverse environmental impact, the Council will require planning applications to be supported by assessments relating to (amongst other things) air pollution and odour. Development proposals that would result in the loss of land of recreational and/or amenity value or unacceptably impact upon the residential amenity of occupants of nearby dwellings and any potential future occupants will not be supported. Particular consideration will be given to the extent that the proposal could result in unacceptable noise and disturbance, overshadowing, overlooking and/or visual dominance.
- 6.8 SWCS policy DM3 (Impacts on the Environment and Local Communities) states that planning permission will be granted for waste management development subject to the applicant demonstrating that the proposed development will not generate significant adverse impacts from (amongst other things) odour, emissions, or visual intrusion to adjoining land uses and those in close proximity to the development. Policy DM8 (Waste Water Treatment) states that planning permission for waste water storage, pumping and treatment development will be granted subject to the applicant demonstrating that proposals (amongst other things) avoids the unnecessary use of areas at risk from flooding, and establish links to existing sewerage infrastructure..
- 6.9 A sewer pipe is normally at neutral air pressure compared to the surrounding atmosphere. When a column of waste water flows through a pipe, it compresses air ahead of it in the pipe, creating a positive pressure that must be released so it does not push back on the waste stream. As the column of water passes, air must freely flow in behind the waste stream, or negative pressure results. The extent of these pressure fluctuations is determined by

the fluid volume of the waste discharges in the sewer pipe.

- 6.10 The applicant has stated that the proposed development is not expected to give rise to an odour nuisance. Wessex Water's Odour Management Co-ordinator has reviewed the proposed development and has outlined that there is a low risk of an odour nuisance due to the height of the proposed vent stack. At six metres above ground level, the odour from the sewage network would be expected to disperse, avoiding any significant odour nuisance at the nearby properties. The SCC Air Quality Advisor has not objected to the proposal.
- 6.11 **Visual Impact** – The 6m vent stack would be taller than the hedgerow alongside making its upper part visually distinctive from some viewpoints to the west, as are the street lamps and the pole mounted electricity sub-stations. However, the vent stack would be coloured grey and slender in design and would be expected to have a limited impact on the view eastward from the residential properties on Cunningham Road.
- 6.12 The visual impact of the proposed vent stack is regarded as acceptable.
- 6.13 **Other Impacts: Flooding** – The vent stack would be located within a Flood Zone 3 area. However, the limited footprint of the stack would have a minimal impact on any increase in flood depth in the surrounding area.
- 6.14 **Noise** - The installation of the rising main would generate a period of works within the highway at Love Lane that would generate noise levels that may disturb nearby residential properties. However, it would be a short-lived event and is not expected to give rise to noise nuisance once completed.
- 6.15 **Ecological Impact** - An ecological survey of the site was carried out in May 2014. The vent stack is proposed on a mown grass verge, comprising common grass species, and is of low conservation interest. The boundary behind the proposed stack to the east is a dense bramble bank with occasional hawthorn and dogwood. A few ruderal plants grow at the base of the hedge including spear thistle and ragwort. The proposal would not impact on any protected species. Overall, the proposal is not expected to have any effects on features of conservation interest.
- 6.16 **Archaeological Impact** - The County Archaeologist has been consulted and has confirmed that no mitigation is required. There is unlikely to be an effect on archaeology.

## 7. Conclusion

- 7.1 The planning application relates to the erection of a vent stack alongside Love Lane, Burnham-on-Sea. The proposed works is part of a wider scheme to construct 5.67 km of new sewer pipework, split between two new rising mains, to reduce flooding at Brent Knoll and East Brent. The vent stack

would be located within the highway verge at Love Lane connecting into the proposed rising mains.

- 7.2 In this case, the vent stack would not add to the area's character or quality; however, the proposed development would assist in reducing flooding in Brent Knoll and East Brent.
- 7.3 A sewer pipe is normally at neutral air pressure compared to the surrounding atmosphere. However, when a column of waste water flows through a pipe, it compresses air ahead of it creating a positive pressure that must be released via the vent stack. Wessex Water's Odour Management Co-ordinator has reviewed the proposed development and has outlined that there is a low risk of an odour nuisance due to the height of the proposed vent stack. At six metres above ground level, the odour from the sewage network would be expected to disperse, avoiding any significant odour nuisance at the nearby properties. The SCC Air Quality Advisor has not objected to the proposal.
- 7.4 The vent stack would likely be taller than the hedgerow alongside, as are the street lamps and the pole mounted electricity sub-stations, making its upper part visually distinctive from the west. However, the vent stack would be coloured grey and expected to have a limited impact on the overall view from the residential properties on Cunningham Road.
- 7.5 The limited footprint of the vent stack would have a minimal impact on any increase in flood depth in the surrounding Flood Zone 3 area.
- 7.6 Whilst the installation of the rising main will generate noise levels that may disturb the nearby residential area, it would be a short-lived event. The vent stack is not expected to give rise to noise nuisance.
- 7.7 The proposed vent stack site is located on a mown grass verge and is of low conservation interest. The boundary behind the proposed stack to the east is a dense bramble bank with occasional hawthorn and dogwood. The proposal would not impact on any protected species and is not expected to have any effects on features of conservation interest.
- 7.8 There are no identified sites of archaeological interest at the proposed vent stack site. The County Archaeologist has not objected to the proposal.
- 7.9 There are no other material considerations and my recommendation is that planning permission is granted.

## 8. Recommendation

- 8.1 **It is recommended that planning permission be GRANTED subject to the imposition of the following conditions and that authority to undertake any minor non-material editing which may be necessary to the wording of those conditions be delegated to the Service Manager, Planning Control Enforcement & Compliance:**

### **1. Time Limit**

The development hereby permitted shall be commenced within 3 years of the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

### **2. Completion of Development**

The development hereby permitted shall be carried out in strict accordance with the approved plans and specifications [as listed below].

- Documents (Wessex Water):
  - C9714 Brent Knoll Flooding Love Lane Vent Stack Environmental Supporting Statement
- Drawings:
  - Brent Knoll Vent Stack Environmental Constraints Plan (Wessex Water Environmental Services Team, drg.no. C9714/ENV/100/REV a, scale 1:750@A3);
  - New Vent Stack Planning Application Existing & Proposed Site Plan (Atkins, drg.no. C9714/771 rev A, scale 1:500 @A2).

Reason: To enable the Waste Planning Authority to deal promptly with any development not in accordance with the approved plans.

### **3. Construction Working Hours**

There shall be no construction activity except between the hours of:

- Mondays to Fridays 0800 - 1800

There shall be no working on Saturdays, Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

## **Relevant Development Plan Policies**

1. The following is a summary of the reasons for the County Council's decision to grant planning permission.
2. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the development plan unless material considerations indicate otherwise. The decision has been taken having regard to the policies and proposals in:
  - Sedgemoor Core Strategy, adopted in May 2013; and
  - Somerset Waste Core Strategy, adopted in February 2013.

The policies in those Plans particularly relevant to the proposed development are:

Sedgemoor Core Strategy –

Policy D16 (Pollution Impacts of Development and Protecting Residential Amenity) – The proposed development is not expected to result in local levels of odour.

Somerset Waste Core Strategy –

Policy DM1 (Basic Location Principles) - The siting of the vent stack is dependent on the location of the junction between the existing and proposed sewage mains

Policy DM2 ((Sustainable Construction and Design) - The vent stack would not add to the area's character or quality; however, the proposed development would assist in reducing flooding in Brent Knoll and East Brent.

Policy DM3 (Impacts on the Environment and Local Communities) - The proposed development is not expected to generate significant adverse impacts from odour or visual intrusion to adjoining land uses and those in close proximity to the development.

Policy DM8 (Waste Water Treatment) – Although the site is within Flood Zone 3 it would have minimal impact on flooding within the area. It would provide a link between existing and proposed sewerage infrastructure.

3. The County Council has also had regard to all other material considerations.

4. **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012.**

In dealing with this planning application the Waste Planning Authority has adopted a positive and proactive manner. The Council offers a pre-application advice service for minor and major applications, and applicants are encouraged to take up this service. This proposal has been assessed against the National Planning Policy Framework and Local Plan policies, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Planning Authority has sought solutions to problems arising by considering the representations received, and liaising with consultees and the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

### **Background Papers**

Planning Application file no. 1/12/16/026

Sedgemoor Core Strategy (2013)

Somerset Waste Core Strategy (2013)

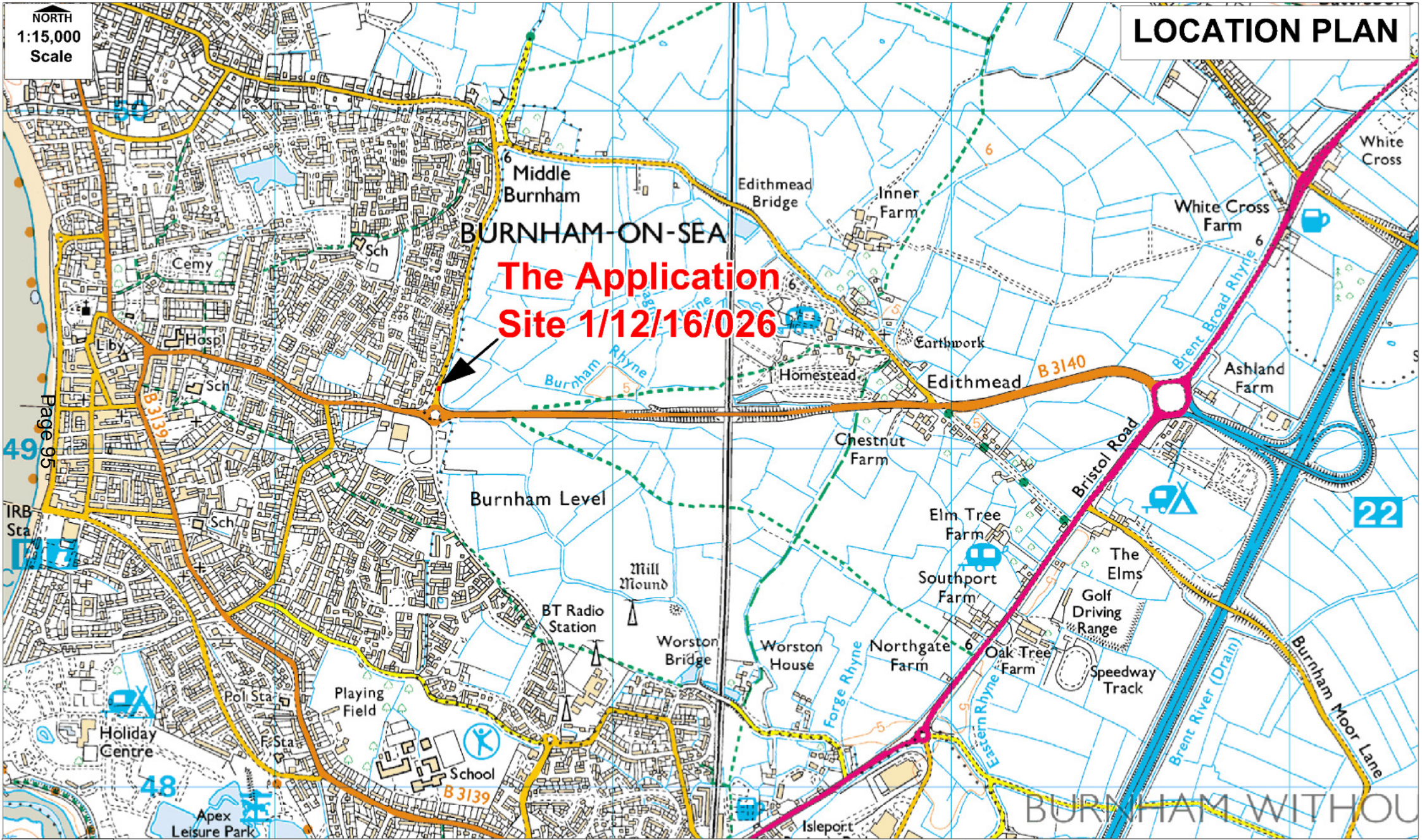
National Planning Policy Framework (2012)

National Planning Policy for Waste (2014).

DM# 789126

This page is intentionally left blank

# LOCATION PLAN



Philip Higginbottom  
 Service Manager - Planning Control  
 Enforcement and Compliance  
 Somerset County Council  
 County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Consultation Reference  
 Application No: 1/12/16/026

Environmental Management Support Team  
 Drawn by: Paul Silvers  
 Dated: 15/2/2017

This page is intentionally left blank

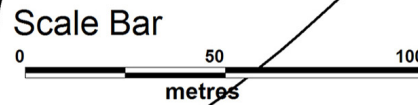


**SITE PLAN**

1:2000 Scale

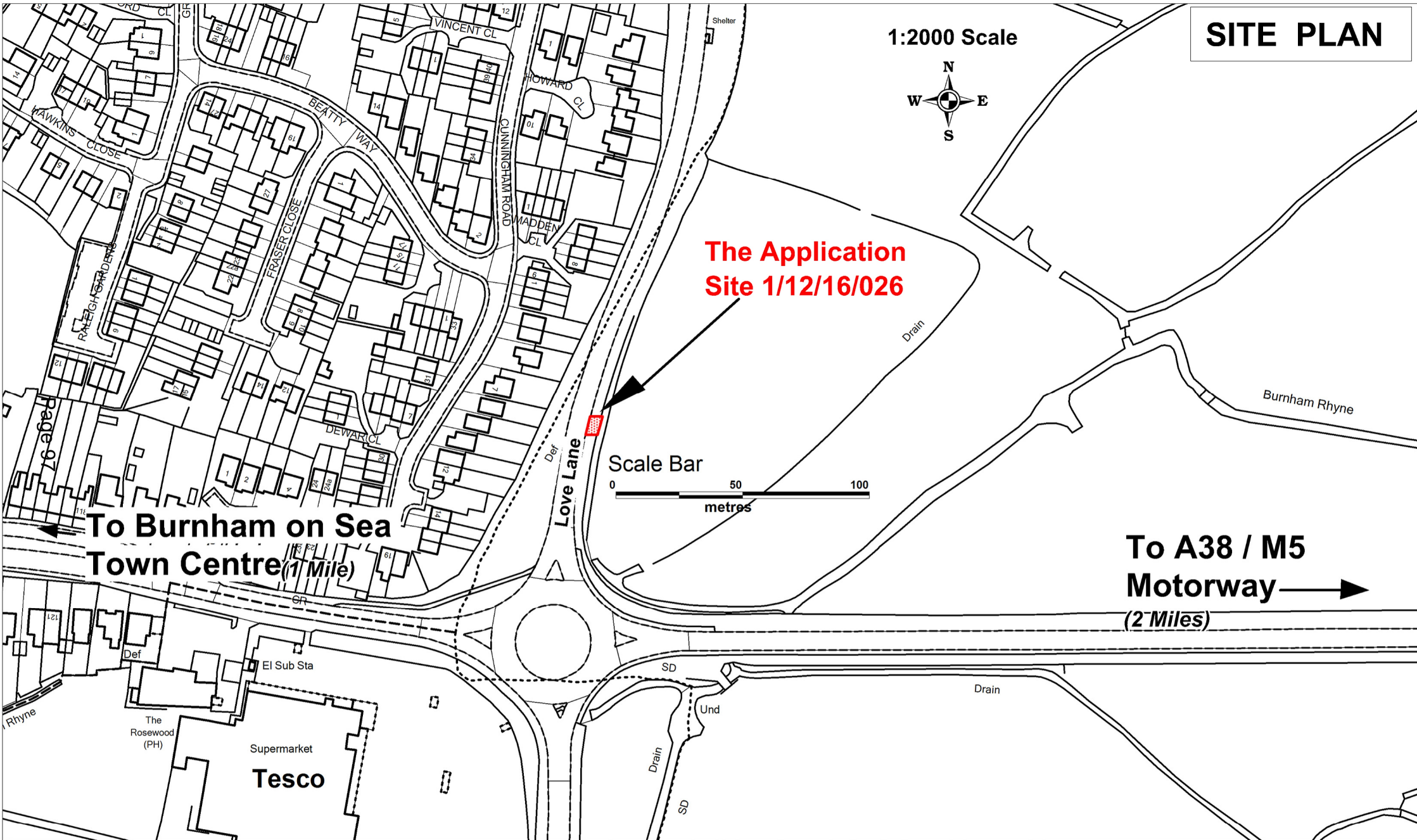


**The Application Site 1/12/16/026**



**To Burnham on Sea Town Centre (1 Mile)**

**To A38 / M5 Motorway (2 Miles)**



Philip Higginbottom  
Service Manager - Planning Control  
Enforcement and Compliance  
Somerset County Council  
County Hall TAUNTON TA1 4DY

© Reproduced from Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or Civil Proceedings. Licence Number: 100038382 (2011) ©

Consultation Reference  
Application No: 1/12/16/026

Environmental Management Support Team  
Drawn by: Paul Silvers

Dated: 15/2/2017

This page is intentionally left blank