

*Application Number:* 17/00756/CPO  
*Date Registered:* 17 February 2017  
*Parish:* Tatworth & Forton  
*District:* South Somerset  
*Member Division:* Chard South  
*Local Member:* Cllr Gemma Verdon  
*Case Officer:* Bob Mills  
*Contact Details:* [rwills@somerset.gov.uk](mailto:rwills@somerset.gov.uk)  
tel: 01823 356019

*Description of Application:* **REVISED TREATMENT AND DRAINAGE SYSTEM TO EXISTING COMMERCIAL PROPERTIES**  
*Grid Reference:* 334030 - 104526  
*Applicant:* Dairy Crest Limited  
*Location:* Yonder Hill, Station Road

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

- 1.1 **The application seeks to revise the drainage arrangements for the recently permitted underground treatment plant on Yonder Hill. The main issues to be taken into account are:**
- **Pollution Control;**
  - **Ecological impacts;**
  - **Local impacts (i.e., noise, odour, traffic and transport, visual impacts).**
- 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 site of the proposed underground treatment plant is located within the built up area of South Chard at Yonder Hill, to the north of the Metaltech Precision Ltd and Ace Welding factories and to the southeast of a line of 4 residential properties the closest of which is approximately 40m away. A

public footpath runs east-west along a track in front of the residential properties. To the east is an unoccupied former sawmill site beyond which are residential properties.

- 2.2 Solar panels are located to the north and east of the permitted treatment plant site, between the application site and the residential properties. The solar panels are free standing and consist of six rows of panels, each approximately 88 metres in length. The panels are 2.2 metres high, and number approximately 1000. The solar panels link into the existing electricity network via a transformer unit and meter at its south-eastern site boundary.
- 2.3 The underground treatment plant site is a maximum of approximately 16.5m x 20m. It was previously indicated that there would be a drain leading off to the northeast for approximately 30m to connect with an existing drain.
- 2.4 Part of the treatment plant site was previously occupied by a building now demolished; however, a concrete floor remains. The remaining area is grass covered. Access to the site is via a drive located between the Metaltech Precision site and the vacant industrial area.
- 2.5 The application site strangely lies with the Dorset Area of Outstanding Natural Beauty (AONB), and is approximately 4.5km upstream of a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

### **3. The Proposal**

- 3.1 The previous application (no. 16/03812/CPO) proposed the introduction of a new underground sewage treatment plant and pumping station to replace an existing foul water drainage system for the two nearby commercial / industrial premises. There is no public sewer available.
- 3.2 The existing drainage system to these properties is currently gravity fed to a collection chamber at the Dairy Crest site where it is pumped into a tanker and transferred off site at a rate of twice a week. However, the Dairy Crest facility (that straddles the river) is now largely demolished along with the subsequent removal of the tank, hence the need to introduce the new sewage treatment plant.
- 3.3 The new treatment plant will be buried in the ground with the treated water then flowing into the nearby River Axe. The drainage was to be via an existing surface water drain on the former sawmill site.
- 3.4 The new sewage treatment plant is proposed to be installed below the existing hardstanding to the rear of the Metaltech Precision factory and Ace Welding workshop. Part of the existing concrete hardstanding will be broken out and a pit approximately 4.5m deep will be dug by mechanical excavators. A new 300mm thick reinforced concrete base will be cast for the tank to sit on and all will then be backfilled. A new section of concrete hardstanding will then be cast on top of the tank with manholes etc.

- 3.5 The existing drainage will be diverted into the new treatment plant with outgoing pipework following the adjacent track to the east/west footpath. The drain from the treatment plant will then turn to the east and connect with an existing surface water drain before discharging into the River Axe.
- 3.6 **Application Documents:** The application comprises:
- Application form, etc.;
  - Documents:
    - Planning Statement (Lorien Engineering Solutions, ref. 3321\_281700);
    - Ecological Survey , Land at Dairy Crest (The Bat Consultancy, June 2015);
    - Otter & Kingfisher Survey Report (Acer Ecology, January 2016).
  - Drawings (Lorien Engineering Solutions, “Commercial Properties Water Treatment Installation”):
    - Site Location Plan (drg. no. 3321\_D1111 v 2, scale 1:1250, dated 19-07-2016);
    - General Arrangement (drg. no. 3321-D1108 v.4, scale 1:200, dated 10-06-2016);
    - Typical Details (drg. no. 3321\_D1109 v 1, scale 1:200, dated 21-06-2016);
    - Tanker Route (drg. no. 3321\_D1112 v 2, scale 1:200, dated 07-11-2016).
- 3.7 **Screening Opinion:** Schedule 2, 11(c) ‘Other projects’, ‘Waste-water treatment plants’, of The Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2011 (as amended) under which this planning application was submitted and is to be determined, indicates that developments where the area of the development exceeds 1,000 square metres may be regarded as ‘EIA development’. In this case, the treatment plant site and drainage route amounts to approximately one-third of the stated figure.
- 3.8 The Government’s Indicative Criteria and Thresholds document indicates that a waste treatment site area of more than 10 hectares or a site with capacity that exceeds 100,000 population or equivalent may be regarded as an EIA development. In this case the development is well short of this figure.
- 3.9 The proposal is not regarded as ‘EIA development’.

#### 4. Site History

- 4.1 The River Axe largely formed the County boundary between Somerset and Dorset, and the application site was within Dorset until recently. To the west of Broad Bridge (Station Road) the County boundary appears to have followed a smaller watercourse to the north of the River Axe (possibly as a result of the River Axe temporarily splitting). Following the construction of the rail line in about 1860 it would appear that the watercourse was diverted; however, the County boundary remained unaltered.

- 4.2 By the late 1920s, to the south of the Yonder Hill Creamery which was located to the south of the river, a number of residential properties had been constructed with the Yonder Hill Saw Mills to their rear. Four properties were also constructed on the south bank of the river alongside the public footpath. It would appear that a few small gravel pits were also in the area.
- 4.3 In 1959 the Dorset Area of Outstanding Natural Beauty (AONB) was established and included the area to the south of the River Axe including the application site.
- 4.4 By the early 1960s a building had been erected on the application site. The Dairy Crest factory was in place on the north side of the river and extensive gravel pits were to the south and west of Yonder Hill.
- 4.5 In the 1970s a factory (on the Metaltech Precision site) was constructed and extensions added following permissions granted in 1983, 2003, 2006 and 2008. In 2014 permission (no. 14/04686/FUL) was granted for the demolition of the building on the application site and the installation of solar panels on the adjoining land.
- 4.6 A new sewage treatment plant and drainage system for 3 – 11 Yonder Hill Cottages was permitted in July 2016 (no. 16/01388/FUL).
- 4.7 Permission was granted in December 2016 for the underground treatment plant (no. 16/03812/CPO) to which the proposed outflow drain would be connected. However, a landowner on the outflow has not agreed to its placement.

## **5. Consultation Responses Received**

- 5.1 **South Somerset District Council:** NO OBJECTIONS.  
- The County Council is requested to consider the inclusion of a contaminated land condition as specified by the Environmental Protection Unit.
- 5.2 **Tatworth & Forton Parish Council:** RECOMMEND APPROVAL.
- 5.3 **Environment Agency:** NO OBJECTION subject to the following informatives being included in any planning permission granted.  
- If located within an area served by a public sewer, the treatment plant should discharge to the public sewer to be treated at a public sewage treatment works unless the applicant can provide a good reason why this is unfeasible.  
- Where connection to a public sewer is not feasible a package sewage treatment plant can be considered. The package plant should offer treatment so that the final discharge meets the standards set by the Environment Agency Environmental Permit.  
- Details regarding the Environment Agency's formal requirements in respect of package sewage treatment plants and septic tanks can be found on the

Agency's website.

- The outfall into the main river may require an Environmental Permit from the Environment Agency.
- An Environmental Permit may also be required for any works on or within 8m of the landward toe of any Environment Agency designated flood defence structure(s).
- Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines.

5.4 **Natural England:** NO OBJECTION. Given the size and nature of the discharge, and its location in relation to the River Axe SAC, I am content that no further assessment under the Habitats Regulations or Countryside and Rights of Way Act (CROW) is required. However, this does not necessarily preclude the possibility that future discharges of this nature will require additional assessment. As you are aware, the River Axe SAC is 'Unfavourable' because of elevated phosphate levels, and there is a Diffuse Water Pollution Plan (DWP) in place to address this issue. Based on current evidence the focus of this plan is the reduction of agricultural diffuse pollution. As the evidence base around this plan develops it may be that our views on the significance of small discharges, such as the one in this case, will change.

5.5 **Dorset AONB:** No comments received.

5.6 **Somerset Wildlife Trust:** No comments received.

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

5.8 **Other Internal Consultees:**  
**Ecological Advisor:** No comments received.

5.9 **Rights of Way:** NO OBJECTION.  
There is a public right of way (PROW) recorded on the Definitive Map that runs along the top of the access to the site at the present time (footpath CH 5/UN).

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use;

- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed;
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- Make a PROW less convenient for continued public use; or,
- Create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

- 5.10 **Public Comments:** Comments have been received from a local resident and the previous County Council Divisional Member (Cllr Jill Shortland).
- The local resident requests that the area used by the de-sludge tanker is concreted over to ensure the area is not damaged as the lane is the access to the residential property.
  - The local Councillor is concerned for adverse impacts upon the residents of 3 properties adjacent to the application site. Concerns relate to:
    - (i) The prevention of tankers or construction traffic from driving in front of the residential properties. The only vehicles that may use the footpath are by the residential property owners. It is hoped that a condition may be imposed preventing vehicle movements.
    - (ii) There is concern regarding noise from fans or alarms after operational hours. Residential properties in close proximity will be affected, so noise levels and hours need to be consulted upon and conditioned.

## 6. Comments of the Service Manager

- 6.1 The planning application relates to a revised drainage route from the permitted underground sewage treatment plant at Yonder Hill.
- 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 South Somerset Local Plan 2006-2028 (SSLP, adopted March 2015) and the Somerset Waste Core Strategy (SWCS, adopted February 2013). Also taken into account are the National Planning Policy Framework and the National Planning Policy for Waste (NPPW) which seeks to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.
- 6.3 **National Policy:** The NPPW seeks to ensure that the need for waste management facilities is considered alongside other spatial planning concerns, recognising the positive contribution that waste management can bring to the development of sustainable communities. Planning Authorities should give priority to the re-use of previously-developed land, sites identified for employment uses, and redundant agricultural and forestry buildings and their curtilages.

- 6.4 Paragraph 115 of the NPPF states that, “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.” Paragraph 116 requires planning applications for major development to demonstrate exceptional circumstances and that the development is in the public interest. Whilst technically this proposal is for ‘Major’ development (waste), the public’s perception of the proposed development would not put it in that category due to its nature and extent. In this case, and as eluded to in paragraph 2.5 above, the application site lies in amongst a long-established estate of industrial buildings towards the southern edge of South Chard, and consequently seems incongruous with the AONB designation. Furthermore, the proposed development would largely be located underground and could not be located elsewhere as it is to serve existing development. It is therefore considered that these amount to exceptional circumstances and whilst arguably not being in the public interest, it would provide important ancillary infrastructure to support existing local businesses, which might otherwise hamper the businesses’ operations. As will be demonstrated in this report, the development would have insignificant impacts on the environs, in particular on the AONB.
- 6.5 In this case the underground treatment plant would be located within an area previously used for industrial / commercial purposes.
- 6.6 **Local Policy:** The SSLP notes that rural settlements vary widely in function and size, but generally are places that provide limited local services. These settlements often have a strong sense of community but face conditions that also pose challenges in terms of their economic provision of services, jobs and facilities. The pattern of rural settlements, and their social and economic relationships with each other, presents a real challenge in balancing the provision of good quality jobs and services across a diverse area, whilst protecting and enhancing the most sensitive rural areas for their intrinsic environmental quality.
- 6.7 SSLP policy EQ2 (General Development) requires that development promotes South Somerset’s local distinctiveness and preserves or enhances the character and appearance of the district. Development proposals will be considered against (inter alia):
- Making efficient use of land;
  - Accessibility;
  - Local area character.
- Development proposals should protect the residential amenity of neighbouring properties.
- 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 (amongst other things):

- (a) Significant adverse impacts from noise, odour, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;
- (b) Significant adverse impacts on a public right of way or visual amenity; and
- (c) Unacceptable cumulative impacts.

- 6.9 **Pollution Control:** SSLP policy EQ7 (Pollution Control) states that development that would result in environmental pollution or harm to amenity, health or safety will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.
- 6.10 SWCS 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:
- a) avoid the unnecessary use of areas at risk from flooding;
  - b) establish links to existing sewerage infrastructure where possible; and
  - c) have access to a suitable outlet for discharge of treated water, recognising the need to minimise pumping and the capacity of the outlet to accommodate discharges.
- 6.11 In this case, the underground treatment plant would contain and treat the sewage received from the Metaltech Precision and Ace Welding sites. The treated waste water would be connected to a surface water drain on the public footpath alongside the former sawmill site and flow into the River Axe.
- 6.12 The laying of the outflow pipe would be subject to the excavation of a trench to accommodate it. This has the potential to create dust; however, the excavation of the trench may be subject to a planning condition to ensure that dust is minimised.
- 6.13 The outflow from the plant into the River Axe is not expected to cause pollution. The Environment Agency has not objected to the proposal and previously indicated that an application for an environmental permit has commenced. Similarly, whilst Natural England has concerns about the 'Unfavourable' condition of the River Axe, this is due to elevated phosphate levels mainly from agricultural discharges. Natural England has implemented a Diffuse Water Pollution Plan to address this. Natural England is content to raise no objection to the proposal given the size and nature of the proposed discharge (5.5cu.m/day (> 5.0cu.m/day is the trigger for consultation with Natural England)) and its distance from the River Axe SAC. I concur that these factors are not of sufficient significance in this case to warrant refusal of planning permission.
- 6.14 So long as the treatment plant is vented as proposed, odour emissions should be minimal and acceptable.
- 6.15 **Ecology:** SSLP policy EQ4 (Biodiversity) states that all proposals for development will (inter alia):



- Protect the biodiversity value of land and buildings and minimise fragmentation of habitats and promote coherent ecological networks; and
- Ensure that habitat features, priority habitats and geological features that are used by wildlife are protected and that the design does not cause severance or is a barrier to movement.

Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation of the designated site.

6.16 In this case, the proposed development is located within an area of industrial development that is not regarded as having a significant ecological character.

6.17 The outfall from the treatment plant would be connected to a surface water drain and be directed to the River Axe. The connection with the surface water drain would follow existing vehicle trackways that would be of little or no ecological value.

6.18 The River Axe, at the point at which the proposed development would discharge into it, is a County Wildlife Site (CWS) and is approximately 4.5km upstream of a SAC and SSSI. The margins of the nearby River Axe has some ecological value, with records held for protected wildlife species of otter, kingfisher and bats, with nesting birds likely within the local vegetation. Outflows from the proposed treatment plant would be so low that they are not expected to have any impact on the banks of the river. In addition, the outflow is not expected to impact on the SAC and SSSI downstream as the outflow would be insignificant in terms of the nature and rate of discharge and nevertheless would be subject to an Environmental Permit. It may therefore be expected to be of acceptable standard.

6.19 **Localised Impacts:** SSLP policy EQ2 (General Development) requires that development promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Development proposals will be considered against (inter alia):

- Making efficient use of land;
- Accessibility;
- Local area character.

Development proposals should protect the residential amenity of neighbouring properties.

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 (inter alia):

- (a) Significant adverse impacts from noise, odour, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the development;
- (b) Significant adverse impacts on a public right of way or visual amenity; and
- (c) Unacceptable cumulative impacts.

These issues, on which the Acoustics, Air Quality and Ecological Advisors were consulted on the previous (immaterially different) planning application, are satisfactorily addressed below in terms of the proposal's compliance with the above planning policies SSLP policy EQ2 and SWCS policy DM3. Comments are therefore informed by the previous planning application's responses from those advisors.

- 6.20 **Noise** - The construction of the proposed treatment plant will involve the creation of a pit and the pouring of a concrete base along with the formation of connections to incoming and outgoing drains.
- 6.21 The excavation of the pit required for the proposed plant and the necessary connections will generate noise levels and may prove noticeable and possibly disruptive within the nearby residential properties. However, the excavations and installation of the plant is expected to take no more than 4 weeks, with the work carried out during normal working hours. Nevertheless, it is advised that the residents are given advance warning of the works to be undertaken.
- 6.22 Once installed, it has been indicated that the blower adjacent to the treatment plant would generate 59dB at 2m distance. Given the distance to the boundary of the closest residential property (i.e., "The Bungalow") the noise levels would be 33dB (or possibly lower due to screening from the array of solar panels). This is equivalent to a quiet bedroom at night. The operation of the plant is therefore not expected to significantly increase noise levels and impact on residential areas. Nevertheless, it is recommended that a Noise Mitigation Report is provided after the commissioning of the plant to assess noise levels and introduce screening if required. (It is noted that a local resident has indicated that a roof ventilation system at the Metaltech Precision site has been measured at 45dB inside a local property. However, this is not relevant to the current application proposal.)
- 6.23 General maintenance of the unit will be undertaken at intervals ranging from 6 – 9 months dependent on use. Desludging of the unit will take place at 90 day intervals. This will involve a tanker attending the unit for a period of no more than 2 hours at any one time. Overall, it is considered that the noise impacts of the proposed development are acceptable and would not unduly affect the amenities of local residents or users of local businesses or the AONB.
- 6.24 **Odour** - The proposed underground treatment plant would normally be sealed and operate to service the two industrial users to the south. The plant would operate automatically, and filter the drainage / waste water passing through the unit. The initial stage of treatment involves the retention of coarse solids present in raw sewage and wastewater for subsequent gradual breakdown. The unit features two chambers to ensure efficient operation with a flow balancing facility.

- 6.25 A natural by-product of biological treatment is humus sludge and this is separated for further treatment. Substantial biochemical oxygen demand (BOD) reduction would take place. The carbonaceous pollutants would be removed by presenting the sewage to the micro-organisms in the presence of oxygen. The treatment would be achieved by high efficiency air diffusers continually pumping oxygen through the biological media and fluidised effluent. It has been indicated that provided the tank is vented odour emissions should be minimal.
- 6.26 Desludging would take place at approximately 3 month intervals and may facilitate the release of odours. However, given the distance to the closest properties, and the limited periods involved, the impact is likely to be minimal. Maintenance of the unit at 6 to 9 month intervals is similarly likely to have minimal odour impact. On this basis, it is considered that the odour impacts of the proposed development are acceptable and would not unduly affect the amenities of local residents, ecology, or users of local businesses or the AONB.
- 6.27 **Traffic and Transport** – It is reasonable to expect the construction-related traffic and tankers used for emptying the sludge to use the route alongside the Metaltech Precision building. Similarly, it is likely that these vehicles would return via the same route thus avoiding the public right of way entirely.. However, this routing is uncertain. The construction phase would last for approximately 4 weeks, with general maintenance of the treatment facility being undertaken at approximately 6-9 month intervals and desludging taking place at 3 monthly intervals by tanker.
- 6.28 It is considered that the potential impacts on the residential amenities of the four residential properties to the north of the application site and on the users of the public footpath CH 5/UN, particularly during the construction phase of the development, warrant reasonable management. To this end, a condition is recommended to be imposed to define the access and egress route used by construction traffic associated with the proposed development and by the desludging tankers.
- 6.29 **Visual Impact** - The proposed development would be largely underground with limited above-ground elements. To the north and west of the development site is an array of solar panels, and to the south are two industrial developments with unoccupied industrial land to the east. The site would be largely screened from residential properties.
- 6.30 There is not expected to be any significant visual impact as a result of the proposed development on the users of local residences, businesses or the AONB.
- 6.31 **Public Rights of Way**  
As explained in paragraph 2.1 above, public footpath CH 5/UN runs east west approximately 16m north of the planning application site. The public right of way is considered sufficiently distant from the proposed sewage treatment plant so as to not be impacted upon during operation of the

development. However, the public right of way and use of it may well be affected during the construction phase due to the outflow pipework crossing the public right of way. The consultation response from the Rights of Way Service is noted and the advice to the applicant to contact the County Council to discuss the protection of the right of way and its use is proposed to be included as an 'Informative' on the recommended decision notice.

## **7. Conclusion**

- 7.1 The proposed underground treatment plant would contain and treat the sewage received from the Metaltech Precision and Ace Welding sites and drain via a surface water drain located on the former sawmill site into the River Axe. The outflow from the plant is not expected to cause pollution.
- 7.2 The proposed development is located within an area of industrial development that is not regarded as having a significant ecological character. The treated water would flow to the River Axe, a County Wildlife Site. Outflows from the proposed treatment plant would have no impact on the banks of the river. Natural England had not previously objected to the proposed development and has not done so to this slightly revised scheme as it is not expected to impact on the SAC or SSSI approximately 4.5km downstream.
- 7.3 The construction of the proposed treatment plant would involve the creation of a pit for the installation of the plant, and connections to incoming and outgoing drains.
- 7.4 The installation of the plant is likely to cause short term disruption at local residential properties during normal working hours. It is therefore recommended that the local residents are given advance warning of the works. However, once installed, operational noise levels would be 33dB (or lower) at the closest residential property. However, it has been indicated that an existing nearby ventilation system produces 45dB at a nearby local residence. The operation of the plant is therefore not expected to impact on the nearby residential area. Nevertheless, it is recommended that the applicant is required to provide a Noise Mitigation Report within 3 months of commissioning to ensure that the plant minimises noise impacts.
- 7.5 General maintenance and de-sludging of the unit will take place infrequently and is not expected to be unduly disruptive.
- 7.6 The proposed underground treatment plant would normally be sealed, however some odour may be noted in close proximity to a vent stack. Desludging may facilitate the release of odours for a limited period, but the impact is likely to be limited as venting of the sewage would enable treatment and minimise odours. Maintenance of the unit at 6 to 9 month intervals is similarly likely to have minimal odour impact.
- 7.7 The tanker servicing the site would likely use the route to and from the site alongside the Metaltech Precision building although a condition to manage

this and ensure any impact on residential amenities and the amenities of users of the public right of way are acceptable is recommended.

- 7.8 The proposed development would be largely underground with limited above-ground elements, and would be largely screened from residential properties. There is not expected to be any significant visual impact as a result of the proposed development.
- 7.9 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 be 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 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 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 to and approved in writing by the Waste Planning Authority in pursuance of any condition attached to this permission.

#### Approved Plans and Specifications

- Documents:
  - Planning Statement (Lorien Engineering Solutions, ref. 3321\_281700);
  - Ecological Survey , Land at Dairy Crest (The Bat Consultancy, June 2015);
  - Otter & Kingfisher Survey Report (Acer Ecology, January 2016).
- Drawings (Lorien Engineering Solutions, "Commercial Properties Water Treatment Installation"):
  - Site Location Plan (drg. no. 3321\_D1111 v 2, scale 1:1250, dated 19-07-2016);
  - General Arrangement (drg. no. 3321-D1108 v.4, scale 1:200, dated 10-06-2016);
  - Typical Details (drg. no. 3321\_D1109 v 1, scale 1:200, dated 21-06-2016);

- Tanker Route (drg. no. 3321\_D1112 v 2, scale 1:200, dated 07-11-2016).

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

### **3. Treatment Plant Installation**

There shall be no treatment plant installation or drainage pipe activity except between the hours of:

- Mondays to Fridays 0900 to 1800 hours; and
- Saturdays 0900 to 1300 hours.

There shall be no treatment plant installation activity on Saturdays after 1300 hours, or at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

### **4. Noise Mitigation**

(i) Local residents shall be provided with a minimum of two weeks advance notice and information on the aspects and durations of treatment plant installation activities.

(ii) Desludging and maintenance of the plant shall be limited to:

- 0900 to 1700 hours on Mondays to Fridays.

There shall be no desludging or maintenance activities on Saturdays, Sundays and Public / Bank Holidays except in cases of emergency, in which case the Waste Planning Authority shall be notified in writing within 5 working days of any such event explaining the circumstances of the emergency and any remedial action carried out.

Reason: In the interests of residential amenity.

5. (i) Within 3 months of the commissioning of the treatment plant a Noise Mitigation Report shall be submitted to the Waste Planning Authority for approval in writing to ensure that night-time operational impacts do not exceed a rated noise level (as defined by BS4142) of 35dB at any residential property.

(ii) The development shall be undertaken in accordance with the Noise Mitigation Report once approved.

Reason: To ensure that the plant does not cause disturbance to local properties in the interests of residential amenity.

### **6. Traffic Management Plan**

Before the commencement of the development hereby permitted, a Traffic Management Plan, setting out the routing of traffic associated with the construction and operation of the development hereby permitted between the application site and the public highway so as to avoid incursion onto the public right of way CH 5/UN, and directional signage for associated drivers shall be submitted to and approved in writing by the Waste Planning Authority. Once approved, the plan shall be implemented in full for the duration of the development hereby permitted.

Reason: To minimise damage to the footpath alongside the residential properties to the north and in the interests of residential amenity.

### **Note to Applicant**

Be advised that if you make a submission in response to a planning application which in the opinion of the planning authority cannot reasonably be approved, or if the planning authority fail to determine the application for approval of the landscaping scheme within 8 weeks of receiving the scheme [under Article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2015] or such longer period as may have been agreed in writing with the planning authority, then you may lodge an appeal within the prescribed time limit against that refusal or non-determination. In the absence of lodging such an appeal in those circumstances, you will be in breach of condition.

### **Informative**

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use;
- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed;
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- Make a PROW less convenient for continued public use; or,
- Create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

### **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:
  - South Somerset Local Plan, adopted in March 2015; and
  - Somerset Waste Core Strategy, adopted in February 2013.

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

South Somerset Local Plan

EQ2 (General Development) – The proposed development preserves the character and appearance of the local area including the Dorset AONB. It makes efficient use of land having regard to infrastructure and service availability and has minimal impact on the residential amenity of neighbouring properties.

EQ4 (Biodiversity) – no impact is expected on the biodiversity of the local area including the SAC and SSSI.

EQ7 (Pollution Control) - The proposed development will not result in unacceptable environmental pollution or harm to amenity, health or safety.

Somerset Waste Core Strategy

DM3 (Impacts on the Environment and Local Communities) – The proposed development is not expected to generate significant adverse impacts from noise, odour, visual intrusion or traffic, or affect the nearby public right of way or visual amenity.

DM8 (Waste Water Treatment) – The proposed development would not have unacceptable impacts on the local area, and have access to a suitable outlet for discharge of treated water.

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. 17/00756/CPO

South Somerset Local Plan (2015)

Somerset Waste Core Strategy (2013)

National Planning Policy Framework (2012)

National Planning Policy for Waste (2014)