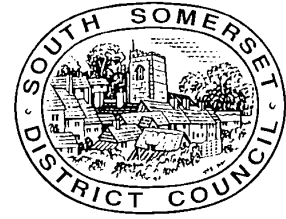


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 19 December 2012

2.00pm

**The Village Hall
Main Street
Chilthorne Domer
BA22 8RB**

(location plan overleaf - disabled access is available at this meeting venue)



The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 3.30pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: becky.sanders@southsomerset.gov.uk

website: www.southsomerset.gov.uk/agendas

This Agenda was issued on Tuesday 11 December 2012.

Ian Clarke, Assistant Director (Legal & Corporate Services)



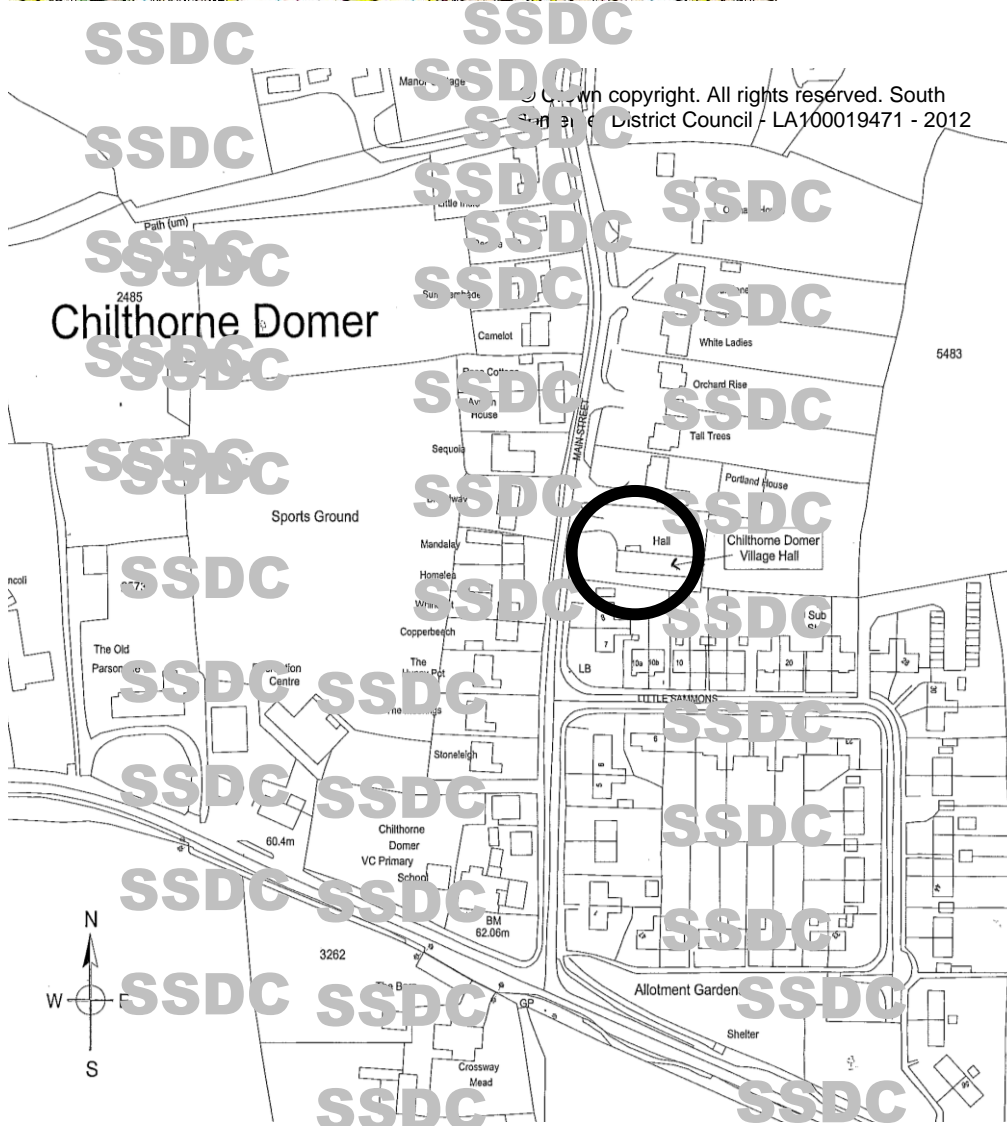
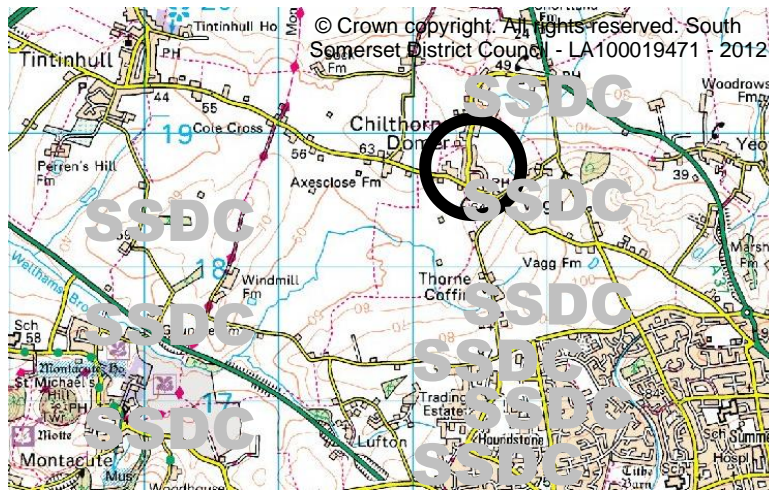
2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

This information is also available on our website
www.southsomerset.gov.uk



INVESTOR IN PEOPLE

Location of meeting venue



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SSDC
SSDC

Area North Membership

Pauline Clarke
Graham Middleton
Roy Mills
Terry Mounter
David Norris

Patrick Palmer
Shane Pledger
Jo Roundell Greene
Sylvia Seal

Sue Steele
Paul Thompson
Barry Walker
Derek Yeomans

Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting: John Bailey and Sam Crabb.

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 3.30pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend Area North Committee quarterly in February, May, August and November – they will be available from 1.30pm at the meeting venue to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North.

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk /agendas](http://www.southsomerset.gov.uk/agendas)

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area North Committee

Wednesday 19 December 2012

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the meeting held on 28 November 2012**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning applications referred to the Regulation Committee

The following members of this committee are also members of the council's Regulation Committee:

Councillors Terry Mounter, Shane Pledger and Sylvia Seal.

Where planning applications are referred by this committee to the Regulation Committee for determination, in accordance with the council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as members of that committee and not as representatives of the Area Committee.

4. **Date of next meeting**

Councillors are requested to note that the next Area North Committee meeting will be held at 2.00pm on **Wednesday 23 January 2013 at the Village Hall, Long Sutton.**

5. Public question time
6. Chairman's announcements
7. Reports from members

Page Number

Items for Discussion

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<p>Please note that the decisions taken by Area Committees may be called in for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.</p>

Area North Committee – 19 December 2012

8. Promoting Community Safety in Area North

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter and Kim Close, Communities
Service Manager: Charlotte Jones, Area Development Manager (North)
Lead Officer: Charlotte Jones, Area Development Manager (North)
Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462251

Sergeant Christian Wells will attend the meeting to give a short verbal update on local issues, crime trends and initiatives.

Please note:

It is possible due to other commitments that Sergeant Wells will be unable to attend the meeting. If he is unable to attend, the agenda item will be deferred to a future meeting in the new year.

Area North Committee – 19 December 2012

9. County Highway Authority Report – Area North

Lead Officer: Neil McWilliams, Assistant Highway Service Manager, SCC
Contact Details: countyroads-southsom@somerset.gov.uk or 0845 345 9155

(This report was deferred at the meeting of Area North Committee on 28 November)

Purpose of the report

The Report is to inform members of the work carried out by the County Highway Authority at the halfway stage through the financial year 2012/13 and what schemes are remaining on the work programme for the rest of the year.

Recommendation

That members note and comment on the report.

Report

Surface Dressing

Weather this year has been a major factor in delivering our surface dressing program. It was delayed until August, which only gave us a one month window in which to complete the work. After this time the road temperature is too unpredictable to ensure there are no surface failures.

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and rolling in stone chippings. Whilst this practice is not the most PR friendly, when carried out correctly it is highly effective and can bring significant improvements to the highway infrastructure.

Verge Cutting

Grass cutting this year has been difficult due to the rapid growth of vegetation and as you can appreciate; our works are largely governed by resource. With a highway network exceeding 3500km in length, the size of the task is significant. The County Council therefore has a policy and procedures that are in place to ensure the work is carried out in the most safe, effective and economic way. In a world of ever increasing risk assessment and claim/liability scenarios, the policy must take into account the range of road classifications across the network and prioritises them accordingly. We were able to do 2 cuts on A and B roads together with one cut on the C and D class roads this year. The programme was largely completed by the end of September.

Winter maintenance

The preparation for this years winter maintenance programme has now started. Our salt supply for the upcoming season has been delivered to the depot. Local parishes will again be invited to collect their allocation of ten 20kg grit bags. If grit bins are being considered at new locations, can the members please confirm these positions as soon as possible as the filling of bins has now commenced. It may also be beneficial to confirm previous locations to ensure that these areas are not missed.

Structural Schemes Completed 2012/13

Many of the structural maintenance schemes for this year have been completed and are listed below:

Tintinhull	Head Street	Surfacing
Martock	Ashfield Park Estate	Surfacing
Somerton	West Street	Surfacing
Tintinhull	A303 Overbridge	Surfacing
Martock	Stapleton Cross	Surfacing
Huish Episcopi	Langport Road	Surfacing
Curry Rivel	St Andrews Close	Footway
Norton sub Hamdon	Skinners Lane	Drainage
Barrington	Ruskway Lane	Drainage
Stoke sub Hamdon	Stonehill	Footway

Outstanding Structural Schemes to be completed in 2012/13

South Petherton	Silver Street & Hospital Lane	Surfacing
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Deferred Schemes

Footway at Cary Way, Somerton
 Drainage at Silver Street, Kingsbury Episcopi

Area North Committee – 19 December 2012

10. Healthy Lifestyles and Pad-e

Strategic Director: Vega Sturgess, Operations & Customer Focus
Assistant Director: Steve Joel, Health and Wellbeing
Service Manager: Lynda Pincombe, Community Health and Leisure
Lead Officer: Charlie Coward, Healthy Lifestyles Officer
Contact Details: charlie.coward@southsomerset.gov.uk(01935) 462347

Purpose of the Report

To inform councillors about the work of the Healthy Lifestyles Team including the launch of “Pad-e” - the new online physical activity directory for South Somerset.

Public Interest

Pad-e (Physical Activity Directory – Electronic) www.pad-e.co.uk

Pad-e is a project managed by the Healthy Lifestyles Team at South Somerset District Council, which aims to promote and increase physical activity and exercise in South Somerset and to promote local opportunities.

Recommendations

That members note this report and promote the launch of Pad-e in their communities.

Introduction

The Healthy Lifestyles team provides support to communities and organisations in South Somerset to encourage healthier lifestyles. The work of the team includes, healthy workplaces, the health walks programme, providing start-up funding for exercise classes, targeted weight loss programmes and health testing.

The team works with different groups within the community including older people, mental health organisations, children’s centres, learning disability groups, and the GP referral programme which includes cardiac rehab, stroke rehab and falls prevention work.

Additional information on the work of the Healthy Lifestyles team will be provided on the day. The Healthy Lifestyles Officer and Community Activity & Lifestyles Officer will attend the meeting to give a verbal update and answer questions.

The following information in this report specifically relates to the ‘pad-e’ project

Background to Pad-e

A common issue among residents looking to be more active and increase their activity levels is knowing what opportunities are taking place in their local community. The Healthy Lifestyles Team realised that there was a gap in information when they engaged with residents about their health and worked with community groups at various events.

This prompted the team to start gathering a list of activity opportunities into a database in order to promote them

To make this data more user-friendly and widely accessible the team decided to develop a website so that all residents could easily benefit from the data gathered. A list of data from village halls, instructors, leisure providers, community groups and organisations has been compiled and manually checked to show all the current opportunities taking place.

We have worked closely with SSDC's GIS team to develop a website which is independent to SSDC's main website, with all the data displayed in a simple mapped format searchable by entering a postcode.

The Pad-e website

The aim of the website is to promote activities and exercise taking place in local community venues. There are other benefits this will achieve. The three key aims are to:

1. Support the use of local venues and community spaces
2. Maintain sustainable exercise and physical activity classes by increasing numbers attending
3. Reduce the number of residents reliant on reduced public transport to travel to main market towns and leisure centres. Reduced public transport services have made it more difficult for residents to attend activities, especially in the evening and weekends, so knowledge of local activities would increase accessibility to physical activities and exercise opportunities.

The functions of the website include the ability to search for activity by both postcode and activity category. Anyone wishing to add their information or amend current information on pad-e will be able to do so by completing a simple contact form on the website.

As the website develops, we will be adding further functions such as general health information, signposting to other health services and programmes as well as local health and physical activity information. Pad-e will also be able to be used to promote other events delivered by SSDC or external partners, which may be of interest to residents.

The Healthy Lifestyles Team would encourage the members to promote Pad-e to their community groups and contacts, as well as to their Parish Councils in order to help support local activities and exercise opportunities in their community facilities.

Financial Implications

None from this report

Council Plan Implications

Focus two: Environment

Focus four: Health & Communities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

To encourage residents to participate in local activities can reduce the carbon emission implications associated with travelling.

Equality and Diversity Implications

Pad-e will enable all sections of the community to participate in local healthy activities. Residents on low incomes will benefit from reduced or no travelling costs.

Background papers: *None*

Area North Committee - 19 December 2012

11. Langport and River Parrett Visitor Centre – Update Report

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter/Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officers: Charlotte Jones, Area Development Manager (North)
Diane Layzell Senior Land and Property Officer
Contact Details: charlotte.jones@southsomerset.gov.uk or (01935) 462252
diane.layzell@southsomerset.gov.uk (01935 462058)

Purpose of the Report

To provide an update to the Area Committee on re-use of the Langport Visitor Centre.

A further verbal update will be made at the meeting by the Area Development Manager (North)

Public Interest

The Langport and River Parrett Visitor Centre is owned by SSDC and is currently unoccupied, following the retirement of the former tenant.

The premises are being marketed by the council's commercial agent with a view to re-letting.

Recommendation

Councillors are asked to note and comment on the report and presentation.

Background

The Langport and River Parrett Visitor Centre was built and opened by SSDC in 1998. The centre adjoins the River Parrett and was originally designed to act as a hub for visitors to the Levels and Moors, specifically the River Parrett Trail – a 50 mile network of footpaths following river from 'source to mouth'.

The former tenant and manager of the centre – Bow Bridge Cycles – retired in November and the future use of the property is being reviewed.

The SSDC Countryside Service has relinquished management of the Centre (insert link to PH report) responsibility transferred to Property Services.

The Area Development Manager (North) and Senior Land and Property Officer are undertake a review including local consultation, to secure alternative arrangements for the occupation and management of the property which suit current needs and circumstances – including value for money.

Work completed (co-ordinated by the Area Development Manager (North) and Senior Land and Property Officer) in the light of current changes to occupation and management include:-

- Consultation with local councillors and community groups to consider and establish current needs and opportunities to continue to use the premises to add value to the local economy provide educational services and promote access to the countryside.
- SSDC property agent marketing the premises to seek expressions of interest from potential businesses / other organisations.
- Pre-application planning advice provided in the event of new uses requiring planning consent
- Indicative valuations and assessment of current / local rents, a review of operating costs and future budget requirements
- Review of contents relating to the visitors centre to re-locate as required (including temporary re-locations).

Feedback from consultation and advice to date (December 2012)

- The location has good links with the surrounding network of pathways and waterways – which are valued as a key part of long term regeneration for the area – future use which exploits this is wanted.
- Recognise changes to ways visitors access information about the locality and environment (eg on-line), however the River Parrett Trail and the area generally still require marketing, and the centre's potential role in this needs to be understood.
- SSDC should not miss an opportunity to help grow small businesses, particularly those with links to local culture and heritage.
- The longer term maintenance costs of the centre need to be factored in alongside potential rental income.
- The various displays and artefacts could be moved, but this depends on the future use. Some displays would need refreshing if retained.
- Alternative business uses (other than residential) could be considered under current planning policies.

A verbal update will be given on the above at the meeting, with any further views and questions from members of Area North Committee invited.

Financial Implications

None from this report.

Council Plan Implications

Focus One – Jobs:

- Provide targeted support for start-ups and small businesses and those with an aspiration to expand
- Work in partnership to deliver investment and development that local people value...
- Enhance the vitality of town centres

Focus Four: Health and Communities:

- ...align council resources to deliver projects to address local [health and well-being] needs.
- Maintain and enhance the [district's] network of leisure and cultural facilities optimising opportunities for external funding to promote healthy living.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The energy performance of the Langport Visitor Centre is monitored by Property Services, and will be considered as part of this review.

Equality and Diversity Implications

The building is accessible including toilets and pathways and is well-connected to the town centre via the Cockle Moor Bridge and pathways. Future proposals for use / management will be assessed for their equalities impact.

Background Papers: *Portfolio Holder report - Changes to the future management of the Langport and River Parrett Visitor Centre, Langport 12th October 2012*
Report to Area North Committee – 24 October 2012

Area North Committee – 19 December 2012

12. Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to: -

Note and comment upon the Area North Committee Forward Plan as attached at Appendix A and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Appendix A – Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
23 Jan '13	Somerset Minerals Plan	The Minerals and Waste Policy Team at SCC) are planning the next consultation for the new Somerset Minerals Plan which will run from early January (2013) for 8 weeks.	Ben Miller, Senior Minerals Planning Officer, SCC
23 Jan '13	Huish Episcopi Leisure Centre – revised management agreement	To present for approval the revised management / grant agreement between Huish Episcopi Leisure Centre and SSDC	Steve Joel Assistant Director (Health and Well-Being)
23 Jan '13	S.106 Planning Obligations / Developer Contributions – Six monthly update report	Update report on the progress of collection and expenditure of developer obligations arising from development in Area North.	Neil Waddleton, s.106 Monitoring Officer
23 Jan '13	Welfare Benefits Take-Up	Update report on the Welfare Benefits take up service, including additional hours funded by Area North.	Catherine Hansford, Senior housing Support Officer
27 Feb '13	Quarterly Finance Report	Quarterly report on the position of the Area North Development budget, including community grants and the capital programme.	Jayne Beevor, Group Accountant
27 Feb '13	Area Development Plan	Area Development Plan update.	Charlotte Jones, Area Development Manager (North)
27 Mar '13	Community Health & Leisure Service	Service update report.	Lynda Pincombe, Community Health & Leisure Manager

TBC	Rural / Local Transport	Update and options paper to consider use of discretionary financial support.	Teresa Oulds, Community Regeneration Officer (North) / Nigel Collins, Strategic Transport Officer.
TBC	Somerset Water Management Partnership	To learn more about the work of SWMP and its current priorities.	Charlotte Jones, Area Development Manager (North)
TBC	Historic Buildings at Risk	Update report. (This is likely to be a confidential item.)	Ian Clarke – Assistant Director, Legal and Corporate Services.
TBC	River Parrett Trail	To receive an update report on the River Parrett Trail.	TBC
TBC	Community Safety/Neighbourhood Policing	To provide an opportunity for discussion of issues affecting community safety in Area North.	Charlotte Jones, Area Development Manager (North) Sgt Christian Wells – Avon and Somerset Constabulary
TBC	Langport Visitor Centre - Update	Report on progress to review the use and re-letting of the Langport Visitor Centre.	Charlotte Jones, Area Development Manager (North) & Diane Layzell, Senior Land & Property Officer

Area North Committee – 19 December 2012

13. Planning Appeals

Strategic Director: Rina Singh, Place & Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

None

Appeals Dismissed

None

Appeals Allowed

None

Area North Committee – 19 December 2012

14. Planning Applications

The schedule of planning applications is attached.

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
 - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
 - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
2. The First Protocol

Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

*David Norris, Development Manager
david.norris@southsomerset.gov.uk or (01935) 462382*

Background Papers: *Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT*

Planning Applications – 19 December 2012

Planning Applications will be considered no earlier than 3.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.15 pm.

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	16	SOUTH PETHERTON	12/00951/ FUL	Erection of a building for B1, B2 and B8 uses with associated infrastructure, parking and landscaping.	Lopen Head Nursery, Lopenhead, South Petherton	Probiotics International
2	47	WESSEX	12/03855/ REM	Reserved matters details relating to part of the site approved under outline permission (11/01556/OUT) for the provision of a care home and associated parking and access.	Somerton Health Park, Behind Berry, Somerton	Mr J Bailey

Area North Committee – 19 December 2012

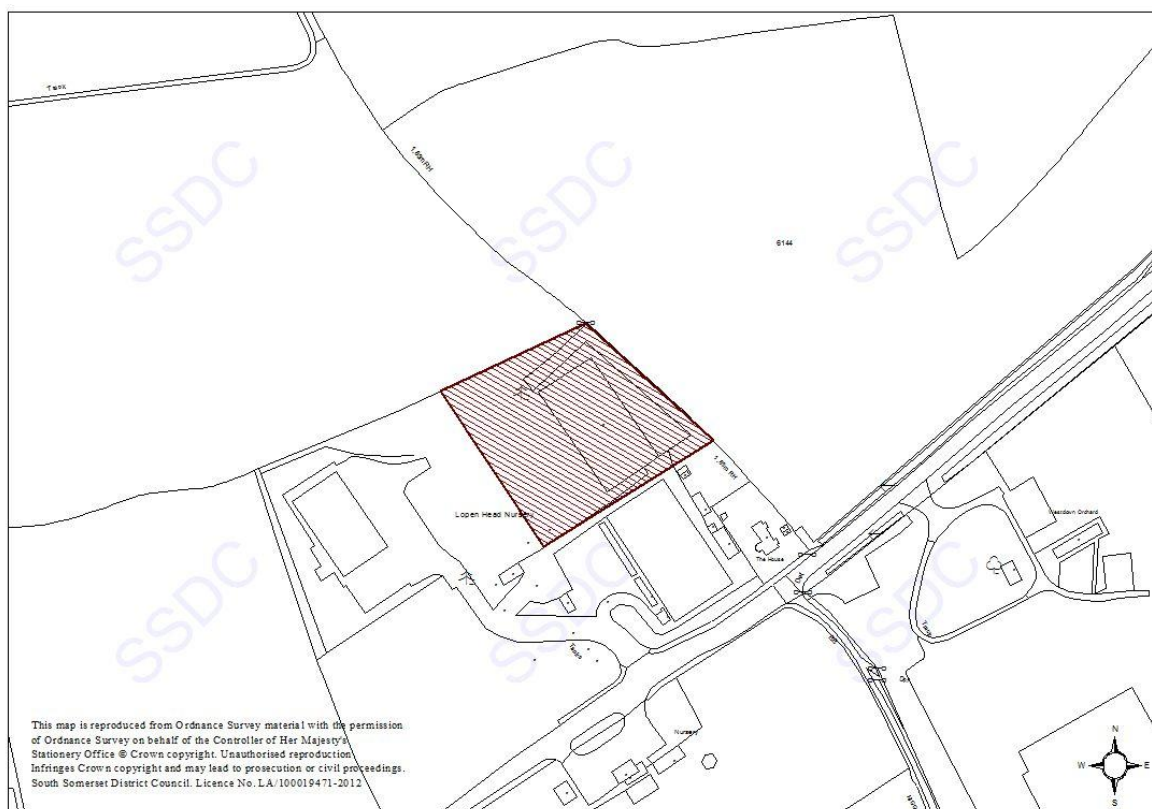
Officer Report on Planning Application: 12/00951/FUL

Proposal :	Erection of a building for B1, B2 and B8 uses with associated infrastructure, parking and landscaping (GR 342553/115366)
Site Address:	Lopen Head Nursery, Lopenhead, South Petherton
Parish:	Lopen
SOUTH PETHERTON Ward (SSDC Members)	Cllr P A Thompson Cllr B R Walker
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	7th May 2012
Applicant :	Probiotics International Ltd
Agent: (no agent if blank)	Boon Brown Planning Mr Matt Frost Motivo, Alvington, Yeovil, Somerset BA20 2FG
Application Type :	Minor Manfr less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to committee at the request of the Ward members and in agreement with the Chair in order to discuss the need and location of the development, sustainability issues, its visual and landscape impact.

SITE DESCRIPTION AND PROPOSAL



The application site forms part of the former Lopen Head nursery, on the northern side of the old A303. The site is located in countryside approximately 1km from Lopen and 2km from South Petherton. The site covers 0.69 hectares and currently contains a large derelict glasshouse previously used in connection with the nursery, a mobile phone mast along the eastern boundary (to be retained), and a large earth mound.

A row of leylandii trees run along the eastern boundary and half way along the northern boundary. Located to the north and east are fields, with the established Probiotics business to the west. To the south is a further area forming part of the ex-nursery with a further large derelict greenhouse and smaller outbuildings. Adjacent to this greenhouse are 2 dwellings and associated gardens. Vehicular access to the site is gained via the old A303 to the south of the site, along the internal road and through the existing Probiotics site.

This application has been made by Probiotics International Ltd for the erection of a new building for B1, B2 and B8 uses along with associated infrastructure, parking and landscaping. Probiotics manufacture both human and animal healthcare products. Probiotics have established their new premises on the allocated employment site to the east and seek permission for a third building. It should be noted that this current application site falls outside of the allocated employment site as defined in the South Somerset Local Plan.

The proposed new building will be an L-shaped 2 storey building. It will extend 62 metres (east to west), 54 metres (north to south) with a height of 9.3 metres. The proposed building will be taller than the existing buildings due to the need for greater internal height requirements. The application site also sits on higher land. The result is that the new building will be 2 metres higher than the adjacent building (referred to as Plot D). In total, the scheme will provide for 1,322m² of B1 office space, 1,322m² of B2 production space and 914m² of B8 warehouse storage.

The design and materials for the proposed building will be similar to the approach taken with the 2 existing buildings. The materials will be a mix of Corus Zeus profile sheeting and Kingspan Spectrum Diamond sheeting for the walls. The windows will be interspersed with green coloured aluminium spandrel panels. The roof will also be constructed using a Kingspan sheeting.

The scheme will involve the removal of the existing leylandii tree screen that currently exists along the whole of the application site eastern boundary and half of the northern boundary. A landscaping scheme has been submitted that will include a mix of trees, hedge, shrubs and tall and low edge species mix, along with security fencing.

Parking will be provided in the rear yard area in the north west part of the site. It will comprise 42 car parking spaces (including 3 disabled spaces), 2 HGV waiting bays, 3 motorcycle spaces and 12 covered cycle spaces and a bin store. These are in addition to the parking spaces that currently exist and serve the 2 other Probiotics units.

In addition to the various plans, the application has been supported by a Design and Access Statement, a Protected Species Survey, Business Statement, a Transport Statement and a Flood Risk Assessment. The agent later submitted a letter outlining further information in respect of proposal.

The supporting documents outline the case for the proposed building. The key point made is that the current production facilities, storage and office infrastructure do not offer sufficient capacity to deal with the level of growth proposed over the next few years.

HISTORY

08/00053/OUT - Development of land for B1 and B2 uses (approved). This application relates to the outline consent for the whole of the allocated employment site.

08/00250/FUL - Erection of one B1/B2 industrial building (approved).

09//00670/FUL - Erection of one B1/B2 industrial building (approved - revised application to 08/00250/FUL). This is the application for Lift West.

08/00248/FUL - Erection of one B1/B2 industrial building (approved).

08/05122/FUL - Erection of one B1/B2 industrial building (approved - revised application to 08//00248/FUL). This relates to the first Probiotics building.

09/03849/FUL – The erection of a building for B1, B2 and B8 uses (approved). This relates to the second Probiotics building.

09/03030/OUT - Development of land for B1,B2 and B8 use (withdrawn). This was an application in relation to land to the immediate east of the allocated site. It extended over a larger area but did include the piece of land currently subject to application 12/00951/FUL.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan. Although the Government has given a clear signal that they intend to abolish the regional planning tier, the draft Regional Spatial Strategy has not yet formally been revoked by Order, and therefore for the purposes of this planning application, the draft RSS continues some weight, albeit limited. On the 6th July 2010, the Secretary of State (SoS) announced his intention to abolish Regional Spatial Strategies (RSS).

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)

STR6 - Development outside Towns, rural centres and villages.

Policy 16 - Provision of land for industrial, warehouse and business development.

Policy 49 - Transport Requirements of new development

South Somerset Local Plan (adopted April 2006)

ME/LOPE/1 - Land at Lopen Head Nursery, Lopen amounting to 1.8 Hectares allocated for employment use (B1 and B2 uses only).

EC3 - Landscape Character

ST5 - General principles of development

ST6 - Quality of development
 TP6 - Non-residential parking provision.
 EC1 - Protecting the best and most versatile agricultural land.
 ME4 - Expansion of existing businesses in the countryside.

National Policy:

National Planning Policy Framework

Chapter 1 - Building a strong, competitive economy

Chapter 3 - Building a prosperous rural economy

Chapter 7 - Requiring good design

Chapter 11 - Conserving and Enhancing the natural environment

CONSULTATIONS

Lopen Parish Council:

Lopen Parish Council held an extraordinary meeting on 16th April 2012 to arrive at its response to planning application 12/00951/FUL, Probiotics building E, Lopenhead. Lopen Parish Council recommends refusal of this application for the following reasons:

Policy - This application is contrary to the following policies:

South Somerset Local Plan 2006:

ST3, ST5, ST6, EC1, EC3, EP3, EU7, TP5, ME3 and ME4.

Emerging Core Strategy

The Core Strategy (LDF) has not yet reached submittal stage and, therefore, any significant consideration of this strategy and/or the policies within it, is premature. That said, the Employment Land Review (stage 3 2010) clearly indicates that South Petherton's employment land capacity is sufficient to 2026 and, even allowing for the latest proposed changes to the LDF, the additional employment land needed in support of additional housing will also be met by existing local capacity up to 2028.

Somerset and Exmoor National Park Joint Structure Plan review 1991-2011

STR1, STR5, STR6, Policy 5, Policy 7, Policy 17, Policy 18, Policy 19 and Policy 39.

RPG10 Regional Planning Guidance for the South West (Regional Spatial Strategy)

TRAN1, EC3 and SS19.

National Planning Policy

Although not strictly relevant for this application as the NPPF states - For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework, we have included the relevant sections of the NPPF that would not support this proposal going forward.

Sections: 7, 8, 10, 11, 12, 17, 28, 30, 35, 58, 64, 66, 111, 112, 125, 158, 161, 210, 211 and 214.

Reasons

- The site is located outside of the defined development areas of towns, rural centres and villages where development should be strictly controlled.
- The development proposed does not maintain or enhance the local environment nor does it respect the form, character and setting of the locality especially considering the architectural and landscape design proposed. It does not preserve and

- complement the key characteristics of the location, to maintain its local distinctiveness
- The location and scale of the proposal fosters growth in the need to travel
 - The proposal is not efficient use of land
 - The proposal does not give priority to the use of recycled land and other appropriate sites within urban areas first
 - The proposal will cause avoidable harm to the natural and built environment of the locality and the broader landscape
 - The density, form, scale, mass, height and proportions of the proposed development do not respect and relate to the character of their surroundings
 - The proposal seeks to develop on agricultural land, which is avoidable. If it were not, then poorer quality land should be used in preference to that of higher quality (defined as grades 1, 2 and 3a of the agricultural land classification), except where other sustainability considerations outweigh the agricultural land value.
 - The proposal does not avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points.
 - Lighting on site will adversely affect the character and appearance of the locality
 - The site lies within a Source Protection Zone 2 for a Public Water Supply borehole and should not be permitted.
 - The proposal is likely to generate significant levels of travel demand and is not well served by public transport, or other means of transport other than private cars and lorries.
 - The proposal is not in scale with the settlement of Lopen and does not preserve the hierarchical distinction between the larger and small communities.
 - The proposal is not small-scale by any measure. The applicant amplifies this point when referring to the "large building" and "breaking up the elevation it appears less massive" in his application. By any measure of expansion, be it size of land use, scale of business activity, numbers employed, turnover or any other factor, the scale of expansion proposed is NOT small-scale. The EU regards any business with 50 or more employees as medium sized. This proposed business extension alone would be regarded as a medium sized business
 - The Employment Land Review (ELR) (Stage 3 October 2010) amply demonstrates that the proposal is not needed in this location
 - If a need were identified then, priority must be given to the use of land within the curtilage of the development. Permission for building B on the allocated land has now lapsed which, together with the area marked for future expansion (between building B and C) provide ample scope for a smaller scale expansion should an overwhelming case and local need be proven.
 - Development of the design and on the scale proposed (especially considering a significant proportion of B1 use) should, by policy, be located within or on the edge of Market Towns.
 - The ELR identifies local Market Towns with significant allocated and PDL land availability which have the benefit of significant alternative (public) transport options and are closest to existing available (and with predicted growth) labour force.
 - The SSLP supporting text states "9.20 It is considered inappropriate for new employment development to be permitted outside the defined Development Areas because of the adverse effect that this could have on the countryside and the character and setting of the settlements. However, there are many small-scale rural enterprises, located in the countryside outside of Development Areas, which provide a valuable source of local employment. These businesses have often made significant investments in existing sites and may be restricted in choices of suitable alternative sites within the District for expansion. (our emphasis) Under the following policy, the expansion of rural businesses will be permitted especially where buildings are re-used or additional use made of the land within the curtilage of the development. Whilst

substantial development of greenfield sites in the countryside will not be supported, it is important not to jeopardise the future of rural enterprise." In this case, this supporting text cannot apply. There are ample suitable (and far more appropriate sites) across the district and therefore, the exception rules do not apply.

- The text states "9.21 The expansion of sites will be permitted where development does not harm the local environment and there is no significant increase in traffic generation. Where the proposal results in a scale of development that is clearly beyond that which is in accordance with the development plan strategy, the Council will give every assistance to employers to find an alternative, more appropriate location" It cannot reasonably be argued that this scale of development is in accordance with the plan strategy, and assistance should be provided by the Council to find a more appropriate location.
- The SSLP appendix A1 (landscaping guidelines) states:
 - Skyline - "land which forms a skyline within, or adjacent development, shall be kept clear of built-form, with its rural character conserved; - where development profile does project above a rural skyline, a wooded feature should be planted to create a new skyline backdrop;"
 - Layout of built form; - strong blocks of new woodland should be sited to screen built development of high visual profile, and define development areas; Also Employment Land; "where sited against an edge of visual prominence or sensitivity, building scale and densities should be reduced;"
 - The proposal seeks to develop on a skyline in open countryside, which should be kept clear of built form. No wooded feature or strong blocks of woodland are proposed to create a skyline backdrop or to screen against development of high visual profile (as this undoubtedly is) nor have the building scale and densities been reduced. In fact, this proposal is far bigger and taller than anything already approved at Lopenhead.
 - The NPPF places a heavy emphasis on sustainability. The records show that the most credible of consultees, including the Planning Inspectorate, have historically regarded the Lopenhead site as unsustainable. Included in the matters, which the NPPF highlights are the following comments.
 - "land of the right type is available in the right places and at the right time to support growth"
 - "creating a high quality built environment, with accessible local services that reflect the community's needs"
 - "contributing to protecting and enhancing our natural, built and historic environment;"
 - "The planning system should play an active role in guiding development to sustainable solutions."
 - "Plans and decisions need to take local circumstances into account"
 - "Planning law requires that applications for planning permission must be determined in accordance with the development plan proposed development that conflicts should be refused"
 - "recognising the intrinsic character and beauty of the countryside"
 - "Allocations of land for development should prefer land of lesser environmental value"
 - "reusing land that has been previously developed (brownfield land),"
 - "fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;"
 - "support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport"
 - "give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;"

- "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions"
- "respond to local character and history, and reflect the identity of local surroundings and materials are visually attractive as a result of good architecture and appropriate landscaping"
- "local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

Conclusion

There is no policy support (by any measure) for this proposal. It would require such an exceptional set of (proven) overwhelming and/or mitigating circumstances to allow approval in this case which, given the local circumstances, cannot reasonably or credibly be argued to exist. The business case put forward by the applicant is very basic and lacking in any kind of supporting evidence that little or nothing can be concluded from it. Even the most robust of business cases would not represent overwhelming justification for departing from policy in this instance, as other locally available district-wide sites are available in areas of greatest employment need, at sustainable locations and in defined development areas where this scale of development can be fully supported by policy.

Adjacent Parish South Petherton PC:

(Comments dated 7th April 2012)

SPPC recommends refusal of this application for the following reasons:

- 1) This application seeks to build outside of the employment land allocation in the saved South Somerset Local Plan 2006. Plot B and the area previously marked for future expansion in front of plot C, are available on the allocated site which combine to provide a modest expansion opportunity for Probiotics. The claimed need to separate animal and human welfare products is the same stated need that was used for the separation of existing buildings C and D. Development outside of the allocated land cannot be justified when considering all the elements of this response.
- 2) The scale, design and setting together with the landscaping proposed, are totally inappropriate to this hill-top site in open country side (as can be demonstrated by the level of concern relating to the visual aspects of the existing developed site). Development on this scale should be limited to market towns only.
- 3) This proposal is not supported by the following policies:

National Policies

EC6: As this proposal does not protect this countryside's intrinsic character and beauty, the diversity of its landscapes, it does not strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans and the location of this development is not in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.

EC12: In which local planning authorities should: support development which enhances the vitality and viability of market towns and other rural service centres and support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres. In this case, the evidence base does not support a need for this site nor can it reasonably be regarded as small-scale.

SSLP 2006 Policies

ME4: Proposals for the small scale expansion of existing businesses (classes B1, B2 and B8 of the use classes order) outside defined development areas shown on the proposals map will be permitted provided that they satisfactorily meet the following criteria: This proposal is not small scale. It is demonstrated that the proposal is both needed and appropriate in this location; the evidence base does not support a need for this development. Use is made of land within the curtilage of the development, beyond the curtilage it is demonstrated that additional land is essential to the needs of the business; Land is available within the curtilage of the existing development which can provide a modest expansion for the applicant.

There should be no adverse effect on the countryside with regard to scale, character and appearance of new buildings; It is well documented by important consultees and representations for the existing development site that the scale, character and appearance of commercial buildings (especially in the form they now take) at this site do adversely affect the countryside.

There should be no substantial additional traffic generated to the site. It is inevitable that expansion of the site on the scale proposed will cause substantial additional traffic to be generated.

ME3: In addition to any site specifically allocated for development, proposals for employment use will be permitted within the development areas of the following settlements, subject to the proposals being in scale with the settlement. Where the site is not well served by public transport or otherwise readily accessible to a local residential workforce only small scale development will be permitted. The proposal is not positioned within any of the defined settlements and is not small scale.

EP3: Lighting within all new developments and environmental improvements will be designed to minimise the effect of sky glow whilst providing adequate illumination levels for highway safety and crime prevention measures.

When considering matters of lighting the district council will not grant planning permission where the proposal would: Adversely affect the character and appearance of the locality. As this is an unlit hilltop site in open countryside and, given the scale of the building proposed (especially when combined with the existing development), sky glow to an unacceptable level is inevitable.

EC3: Outside development areas, development proposals which are otherwise acceptable will be permitted provided that they do not cause unacceptable harm to the distinctive character and quality of the local landscape. In particular, development should: Respect or enhance the characteristic pattern and features of the surrounding landscape; and,

Avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points. This is a hilltop site in open countryside. The current development and this proposal are out of keeping and uncharacteristic of the surrounding landscape and do not respect or enhance the characteristic pattern and features of the surrounding landscape.

EC1: Where development of agricultural land is unavoidable, poorer quality land should be used in preference to that of higher quality (defined as grades 1, 2 and 3a of the agricultural land classification), except where other sustainability considerations

outweigh the agricultural land value. The proposed site is grade 1 agricultural land and the site is widely considered to be unsustainable. A surplus of employment land is available in nearby Market Towns.

(Additional policies relevant but not detailed: TP5, ST10, ST6, ST5 and ST3)

Somerset and Exmoor National Park Joint Structure Plan Review Policies

POLICY STR1 Sustainable development: Development in Somerset and the Exmoor National Park should: be of high quality, good design and reflect local distinctiveness; and give priority to the continued use of previously developed land and buildings; The designs do not reflect local distinctiveness and the site proposed is not previously developed land.

POLICY STR5 Development in rural centres and villages: Development in Rural centres and Villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity. Size and character of the proposed development is not appropriate to the local character and physical identity nor is it sustainable.

POLICY STR6 Development outside towns, rural centres and villages: Development outside Towns, Rural Centres and Villages should be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The employment evidence base does not support a need for this development nor does the proposal maintain or enhance the environment. The location of the site in relation to the likely workforce will foster the need to travel.

POLICY 5 Landscape character: The distinctive character of the countryside of Somerset and the Exmoor National Park should be safeguarded for its own sake. Particular regard should be had to the distinctive features of the countryside in landscape, cultural heritage and nature conservation terms in the provision for development. This is a hilltop site in open countryside. The current development and this proposal are out of keeping and uncharacteristic of the surrounding landscape and do not respect or enhance the characteristic pattern and features of the surrounding landscape.

POLICY 7 Agricultural land: Subject to the overall aims of the strategy, provision should not be made for permanent development, excluding forestry and agriculture, involving the best and most versatile agricultural land (Grades 1, 2 & 3a) unless there are no alternative sites on lower quality agricultural land and there is an overriding need for the development in that location. Where land in Grades 1, 2 and 3a does need to be developed and there is a choice between different grades, development should be directed towards land of the lowest grade. The proposed site is grade 1 agricultural land. A surplus of employment land is available in nearby Market Towns.

POLICY 17 Mixed-use developments: Industrial, commercial and business activities which are major generators of travel demand and are part of a mixed-use development should be provided for in town centre locations and sites which are highly accessible by means of transport other than the private car. This site proposed is in a rural location with limited transport options other than private car.

POLICY 18 Location of land for industrial, warehousing & business development: activities which are not compatible with other land uses should be located where their impact on the local environment can be mitigated; and large developments with high employment density activities should be located close to established public transport nodes. The proposed site is surrounded by agricultural uses and is not close to

established public transport nodes.

(Additional policies relevant but not detailed: STR2, STR3, and STR4)
RPG10 Regional Planning Guidance for the South West (Regional Spatial Strategy)

Policy TRAN 1: Reducing the Need to Travel: Local authorities, developers and other agencies should work towards reducing the need to travel by private motor vehicle through the appropriate location of new development. Development plans and LTPs should:

- propose housing, employment and other uses in existing towns and propose a balanced mixture of uses in new developments, in accordance with Policy SS 5;
- propose major development in keeping with the roles of individual PUAs and larger towns on sites where there is a good choice of travel by sustainable transport, or where choice can be provided as part of the development, having regard to regional accessibility standards;
- propose the development of focused smaller scale retailing, housing, social facilities and services in market and coastal towns and key villages which are rural service centres to provide for the needs of the rural areas. The location of the site will increase the need to travel by private motor vehicle as it sits in open countryside divorced from any significant settlement that could reasonably serve this site. This approach is not consistent with policy SS5.

Policy EC 3: Employment Sites: Local authorities, the SWRDA and other agencies should aim to provide for a range and choice of employment sites to meet the projected needs of local businesses and new investment. These should include: The location of sites should meet the sustainable development criteria of the strategy by:

- giving preference to land within urban areas, particularly previously-developed land;
- being well integrated with the existing settlement pattern and accessible to sources of labour and business services;
- being likely to provide a realistic choice of access, including being well served by public transport;
- supporting programmes of regeneration in urban and rural areas and coastal towns;
- in rural areas, being primarily at the most accessible locations, (recognising that the potential for using public transport and other car modes is more limited than in urban areas); This site is widely considered as unsustainable and is located in a rural area, not previously developed land and not well integrated to any existing settlement or sources of labour. It is not well served by public transport.

Policy SS 19: Rural Areas: Market towns should be the focal points for development and service provision in the rural areas and this role should be supported and enhanced. Outside market towns, development should be small scale and take place primarily within or adjacent to existing settlements avoiding scattered forms of development. Local authorities in their development plans should: locate development to support the rural areas primarily in market towns, identified and designated in development plans through a balanced mix of homes, jobs, services and facilities suitable to the scale and location of such settlements; adopt policies which support the restructuring of the rural economy and the provision of jobs to satisfy local needs; This site is not in a Market Town and is not small scale. It is not located within or adjacent to any existing settlement and does not avoid scattered

forms of development. The scale of the proposed development is disproportionate and out of keeping with its environment.

(Additional policies relevant but not detailed are: Vis1,SS20 and Tran7)

Emerging Core Strategy

The employment land review (stage 3 October 2010) clearly states that South Petherton's employment needs to 2026 have been met by recent planning permissions at Lopenhead. Even allowing for the proposed increases (albeit they have yet to be fully justified and accepted) in housing allocation, existing permissions at Lopenhead amply cater for the resulting additional employment need and, therefore, even at the increased allocation, no additional employment land is required before 2028.

Landscape Officer:

I have reviewed the application seeking the erection of a further building at the Lopenhead site, and recall previous applications on this site, with which I have been involved.

Whilst the site lays outside development limits, given the close relationship of this application site with the land to the immediate west that now has planning approval and two buildings in-situ; and the existing nursery structures and site use that characterise the location, I have no in-principle landscape objection to the extension of employment use over this northeast half of the site.

The building proposal is larger in scale and will stand approaching two metres taller than the two current buildings on site. I have some apprehension over this, though I also note that the new building does not project so far to the north as building C, and that the land continues to rise to the east of the site, to thus help to reduce the perception of building scale. The return of the building to form an L plan shape, to thus reduce its overall length, similarly assists in reducing building scale. As the proposal is accompanied by a fully detailed landscape plan, which provides a buffered edge to the site, then on balance I believe the proposal to be acceptable.

Turning to the landscape plan, I note that it is generally in line with the level of provision we have negotiated elsewhere within the Business Park, and I am satisfied with it. The materials palette for the building is to be expressed as before, to bring a consistency of treatment to the site. With the current buildings having now had sufficient time to start to blend into their wider landscape context, with their colour helping to anchor them on the skyline, I am satisfied that the tonal treatment is appropriate.

If minded to approve, please condition the landscape proposal to be planted in its entirety on completion of the external building works.

Highway Authority:

I refer to the above mentioned planning application received on 26th March 2012 and following a site visit on the same day I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a building for B1, B2 and B8 use.

The applicant submitted a Transport Statement as part of the application. This has been submitted for audit and the Highway Authority's comments are as follows.

In terms of trip generation the applicant undertook a survey of the current site use and

there corresponding trip rates. Based on these figures the number of new movements is estimated to be around 30 in the AM peak and 40 in the PM peak. This was coupled with a TRICS based exercise being undertaken. The data sets indicated the levels of movements would be about 50 movements in each peak period. The additional movement would result in a total of one additional movement per minute during the peak times.

From the PICADY modelling it has been demonstrated that the site access junction would be operating well within capacity even with this increase in movements.

In terms of the internal arrangements the proposal has made provision for 42 car spaces, which includes three disabled spaces, and 12 cycles spaces with a further three spaces allocated for motorcycles. This is considered to be below the standards, however the Transport Statement has justified this by reference to the number of employees and is also considered to be consistent with the current trip generation of the site. Therefore overall parking numbers are therefore considered to be acceptable.

However no Travel Plan has been submitted and as such I would advise that the applicant contacts Somerset County Council's Travel Plan Co-ordinator on 01823 358079 to discuss this matter further.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following condition to be attached.

Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

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

Economic Development Officer:

I am forwarding this planning response to you in my capacity as an economic officer of the local authority. To ensure I fully understand and capture an idea of the impact this development will have on the Lopen Business Park and wider area, I arranged to meet with the Managing Director of Protexin and his planning agent. I was accompanied by the planning officer responsible for overseeing this application and we met at the offices of Protexin on 26th April 2012.

Protexin as a business is known to me. I first became involved with them when consideration was being applied to purchasing land owned by the authority in Chard for relocation. This option proved unviable which resulted in the purchase of land at Lopen Business Park where they relocated in 2009/10. There are currently two buildings belonging to Protexin at this location. The main building incorporates the production facilities with offices on the first floor. The second building is used for the storage of materials and manufactured goods prior to distribution. The growth of this business is to be admired with sales in the last full year being 40% higher than the previous one.

Submitted with the planning application was a basic level of information on the projected growth of Protexin. One of the purposes of my visit was to obtain additional information on this business and to determine and ensure the viability of the business in the long-term. I enquired why there was a requirement for a third building? The response was quite involved. There is a fundamental shortage of space on the site for offices and manufacturing. The existing first floor offices would be partially used for manufacture, particularly for the gravity feed of raw materials used in the manufacturing process. The anticipated growth of Protexin will by 2015 require approximately 35 – 40 additional employees, the existing accommodation would not be able to accept this revised number of staff. In opening new markets throughout the world, concerns have been raised from some countries, particularly Asia and the Middle East that the production line of animal products is alongside the production lines of products for human consumption, which is frowned upon as this does not conform to religious practices in these countries.

The distances existing staff travel to work was discussed. From the current workforce of approximately 80 people, 15 or so work away from the site seeking new opportunities either in the UK or world-wide. Of the workforce who daily attend the Lopen site, in excess of 80% of these employees live in South Somerset. I was provided with numerous examples of staff development where employees who started as juniors in the manufacturing process are now in managerial positions in purchasing, marketing or quality control. Protexin takes staff development seriously and through training and regular discussions encourages staff to progress their careers. For those employed whose first language is not English, when required an external trainer is brought in to teach and help them comprehend English. In the past, an apprenticeship programme has been organised. There are plans to reintroduce this again next year.

The company now exports to 50+ countries throughout the world. In 2011, Protexin won The Queens Award to Industry for its exporting abilities. Protexin has obtained ISO 9001 status. There are five universities who have affiliated themselves with the work of Protexin, particularly in the areas of research and development. PHD students are regularly working at Lopen engaging with staff, particularly Doctors and Vets.

In summary, this is one seriously impressive business. I am so pleased that Protexin is located within South Somerset as it is a first class example of what businesses are being encouraged to do to get us through these challenging economic times. They employ a significant number of people. Their turnover is growing year on year and their exports are growing significantly. I am entirely comfortable that the business is well managed and that the anticipated growth is achievable. I also recognise that without this application being permitted, the future growth of this business could be harmed and ultimately there could be a risk of job losses.

From an economic perspective, I support this application.

Spatial Planning Officer:

Original comments (4 May 2012)

I would like to see a stronger justification made as to why a single, self-contained planning unit is required, as opposed to a split site for expansion of the business. The applicant states that there are common staff, management and economies of scale involved, but I think a little more detail would give a stronger justification.

In terms of scale of the building, can they explain the need for that space in a little more detail, i.e. are there particular machines or something that require that size? Do they have stock that needs storage for x periods of time. From reading the information submitted, I think the new building will be exactly the same as the existing one, but manufacture for human as opposed to animal products. Using the existing building as

an example will help.

I think the answers to these will help me to understand clearly the justification for this building in this location and of this scale.

Additional comments (4th May 2012)

I think the supplementary information submitted from Probiotics provides a clearer justification for the need for a new building of this scale, in this location. Therefore there is no planning policy objection to the proposed development.

Campaign to Protect Rural England (CPRE):

Strongly object to the proposal on the grounds that it will further exacerbate the damage done to the local environment by this incongruous and ill-considered site. Indeed the history of this site is of incremental development and permissions, reneging on earlier pledges concerning usage categories and scale of development.

The primary concern is that this is an agricultural site of Best and Most Versatile Land. By Policy EC1 development of such category land should not be considered if there are less valuable, preferably brownfield, alternative sites, which there are. Food security may not be uppermost in English minds at present, but with food staples forecast to double in price by 2020, then it soon will be. Somerset has much of the country's best farmland, and it must be protected.

The existing development presents South Petherton with an eyesore to the south of Ben Cross/Frogmary, with Lopen head being prominent from miles around. The existing grey boxed jar with the landscape, and it is unacceptable that the previous thick conifer screening was removed and has not been replaced with anything adequate to minimize the visual intrusion. This proposed development will present an even greater visual blemish, with the buildings larger and taller. It has been claimed that the planned building will be even larger and taller than the Tesco store at Ilminster - if true then the impact will indeed be extraordinarily harmful. There is absolutely no way it could be considered as 'maintaining or enhancing the local environment', neither does it respect the form, character or setting of the locality.

This entire development is outside of a defined development area, a further strong reason why it should not be permitted. Road traffic is also an issue, with the current road layout at the entrance being used as an overtaking lane by some with all of the associated risks. Given its position at the top of a hill from all directions, sustainable transport is discouraged.

In summary, this is a development too far. With hindsight, it is clear that this site was a mistake, a good facility but in the wrong place; development should be frozen at its current state and application refused.

Environmental Protection Officer:

No observations on this application.

Environment Agency: (original comments 5th April 2012)

The Environment Agency originally objected to the application on the grounds that: 'The site lies within a Source Protection Zone 2 for a Public Water Supply borehole. Our approach to groundwater protection is set out in our recently revised policy 'Groundwater Protection: Policy and Practice' (2008).

"Outside SPZ 1 [within Zone 2] we will object to developments involving sewage, trade effluent or other contaminated discharges to ground unless we are satisfied that it is not

reasonable to make a connection to the public foul sewer."

The applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis.

In accordance with our groundwater protection policy we will maintain our objection until we receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

We would also wish to see a report on the design of SUDS and assessment of the risks to groundwater as the site is on a Principal aquifer.

In addition, prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Environment Agency: (revised comments dated 10th May 2012)

The Environment Agency has received additional information from the applicant's agent concerning the above application, which was received on 30 April 2012.

The applicant has provided a letter from Wessex Water (Ref ST/SS/NC/1655 dated 4th Aug 2009) which states that 'The above proposal is not located within a Wessex Water sewered area'. As such we are now satisfied that it is not reasonable to make a connection to public foul sewer and can therefore WITHDRAW our objection, subject to the following conditions and informatives being included within the Decision Notice:

The applicant has indicated that foul water will be served by package treatment plant.

The discharge from the package treatment plant will require an Environmental Permit under the Environmental Permitting Regulations 2010.

We would encourage the applicant to apply for an Environmental Permit for the discharge at an early stage. It is likely that a groundwater risk assessment will be

required as part of the application to assess the impact of the proposed discharge on controlled water receptors. An environmental permit will only be granted if the Environment Agency is satisfied that the proposed discharge will not result in an unacceptable impact on controlled water receptors.

The applicant can contact the Environment Agency to discuss the application process.

In addition, we require the following condition to be included:

CONDITION:

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To prevent pollution of the water environment.

The following informatives and recommendations should be included in the Decision Notice.

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

County Archaeologist:

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.

Council Engineer:

Applicant to confirm that drainage proposals comply with overall site strategy. Details to be submitted for approval.

Wessex Water:

No objection raised. The site lies within a non sewered area of Wessex Water. New water supply connections will be required from Wessex Water to serve this proposed development.

REPRESENTATIONS

6 letters/emails have been received raising the following objections:

Landscape/Visual issues

- Development on grade 1 agricultural land
- Numerous other local brownfield sites that should be used first
- Scale and design of the building is harmful to setting/ out of keeping with local character
- Landscaping is insufficient to provide an acceptable screen which has to be provided as part of the wider landscaping scheme - earlier planting not implemented.
- Detrimental to visual amenity and out of keeping with surrounding landscape.

Local Plan/Emerging plan issues

- SSLP does not support development at this location
- Not a sustainable location.
- Contrary to many development plan policies and the NPPF.
- Employment Land Review does not demonstrate a need for any additional local employment land locally
- Lopen should not serve as the employment centre for South Petherton
- Sufficient employment opportunities exist within Lopen
- Original consent for Lopen head was a planning mistake.
- This is outside of the allocated employment site
- Original industrial estate in Lopen has spare capacity
- Insufficient evidence into the impact on the aquifer
- Question the need for more employment land when there is low unemployment
- Providing employment opportunities close to where people live is social engineering
- Requires exceptional justification
- Poorly conceived site and part of SSDC's approach to site industrial estates across the countryside
- Contrary to sustainable development principles/policies
- Question employment allocation in emerging local plan.
- Land is not previously developed land.
- Employment site allocated for small local business not large companies

Design/Layout issues

- This is not a small scale development
- Poor design
- Noise and light pollution
- Building is higher than previously approved buildings on site

- This is not a small scale expansion under ME4.

Justification/case made for development

- Applicant's business case is not robust, concern about this being speculative development
- Spare capacity at current Probiotic facility
- Proposal does not meet sustainability requirements
- Business case is very weak.
- Lack of evidence to support projected growth
- Information lacking on where staff live/travel from
- Few staff live in vicinity
- Insufficient justification to support the need for the additional unit
- The firm brings very little economic benefit to local towns/villages.

Highway issues

- Increase traffic through local communities
- Poor public transport to serve the development
- Will be a requirement to make changes to the road layout due to significant increases in traffic.
- Why are they staying on this site – should move closer to larger town with better transport links

Other issues

- Comments submitted in regard to previous outline application on this site equally apply.
- Views of smaller communities should be given more weight when considering commercial development
- The application lacks detail - more akin to an outline application
- Applicant/agent did not attend the PC meeting
- The tidying up of the area ie removal of glasshouses is not a justification for approval of this scheme.
- Does not allow employees to walk to work
- Significant levels of employment and available within 5 miles of this site.
- Salary figures questioned
- Deliberate tactic to obtain piecemeal permissions.
- Harmful precedent

1 writer, whilst raising an objection, supports the need to provide opportunities for employment in rural areas but must be sustainable and at an appropriate scale.

A letter has also been received from an agent representing a local resident. This was submitted in response to further comments made by the applicant's agent. The letter outlines that it does not consider that the applicant's letter does not raise any significant new points nor further information the Council should be requesting to clarify points raised by third parties, do not agree with the screening opinion given by the Council, ground discharge/water issues and concern that a decision on the application has already been reached.

CONSIDERATIONS

Need for the development

The applicant has outlined within the supporting documents the reasons for the additional building. Probiotics relocated their business to the adjacent allocated employment site in early 2010, having moved from premises at Stoke Sub Hamdon. The company has grown significantly in recent years and exports to over 50 countries. It is now looking to increase their current production facilities, storage and office infrastructure in order to meet the needs of a growing business. The additional building will provide additional production space to enable the manufacturing of animal welfare products to be separated from human welfare products. The agent has outlined that 'export controls within the industry require that human and animal welfare products are both manufactured and stored in separate buildings'. Moreover, the development will provide significantly more site storage of their goods and to satisfy the need for additional office accommodation. The company presently employ 80 people with an expected increase to 130 by 2015.

Based on this information, it is apparent that, despite the general poor state of the general economy over the last few years, the company is performing very well and is expanding at an increasing rate. Allied to the fact that there is a need to separate the animal and human manufacturing processes, it is considered that there is a need for an additional building. The officer asked the MD about the need for the building and whether the extra capacity required could be accommodated either within the 2 existing buildings, via an extension to the buildings or within land still available on the allocated employment site. The clear response was that these options were not acceptable either in providing the physical capacity required or to provide the separate buildings required for the human and animal products. In addition, it is not considered that the company are building this 3rd facility as a speculative form of development. It is costly to construct such a building and it is not considered that the company would be seeking consent if there were other cheaper or more practical solutions.

The key issue that follows therefore is whether the proposed site is acceptable in planning terms.

Suitability of the proposed site?

The key starting point is the fact that the proposed site is located in the countryside, distant from any settlement and outside of, although adjacent to, the defined allocated employment site. Third parties have commented on the suitability of the adjacent allocated employment site following the clear recommendation of the Local Plan Inspector that it should not be allocated. However, the Inspector's recommendations were not binding on the Council and, whilst the concerns about the allocation are noted, the site was allocated by the Council. It is not considered necessary or particularly relevant to reassess the historic allocation.

In terms of the current application site, a number of different issues have been raised by third parties about the suitability of the application site. In terms of sustainability issues, this raises a number of points. It is agreed that both local and national planning policies seek sustainable forms of development. This has been a key thread running through the current local plan, the RSS, the range of different PPG's/PPS's (now abolished) and importantly at the heart of the NPPF.

The NPPF outlines 3 dimensions to sustainable development ie economic, social and environmental. In terms of this proposal, it is considered that it will have a positive

economic impact, by increasing the number of employees and supporting the growth of the company. Criticism of the proposal has been made that it will contribute little to the local economy with employees heading straight to site at the start of their day and heading straight back home after work, and unlikely to use local facilities at lunchtime/travelling to/from work. There is some sympathy with this point given the location of the site at a distance from local shops etc although the local pub and café may benefit. However, it is clear that the company are growing and are projecting future growth. The fact that this development will create extra jobs (from 80 to 130 employees by 2015) can only be positive. Moreover, the NPPF outlines its support for economic growth in rural areas in order to create jobs. On this basis, it is considered that this proposal would meet the economic aim of government policy.

In terms of the environmental role, objections have been received that this development would be detrimental to the local landscape and be contrary to the character of the area. Moreover, the Secretary of State (via his Senior Planning Manager) in his response to the screening request from a third party noted the visual impact it would have, particularly given its visibility from the A303.

It is accepted that a development in this location will have a visual impact. This was also accepted with the previous approvals on the allocated site. However, this was clearly an inevitable consequence of allocating the adjacent employment site in the first place. The key question is whether the proposed development would have a significant detrimental visual impact to warrant a refusal. In assessing this issue, the landscape officer has not raised an objection and his views are outlined earlier in this report. Moreover, the view of the Secretary of State's Senior Planning Manager is that the local landscape is not of high quality and is not recognised under any national or local designations. Moreover, the view of the site from the A303 would only be short given the speed of travel. Also, given the existence of an established built form on this site, it is not encroaching onto currently undeveloped land – the site has an existing visual presence. Finally, the site will be screened with a range of native tree and shrubs. This will assist with mitigating the visual impact of the scheme. For these reasons, whilst acknowledging there will be visual impact, this is not considered to be significantly harmful to warrant a refusal on landscape grounds.

In terms of the wider sustainability issues, it is acknowledged that the site is not in the most sustainable of locations in terms of accessibility to services and facilities. In addition, public transport to serve the site is poor and thus travel by private vehicle is very likely. Also, sustainability issues were key factors behind the Local Plan Inspector's decision not to recommend the site for inclusion in the SLP. Policy officers also supported this view at the time. Given this scenario, the key question is whether the sustainability concerns are sufficient to outweigh the merits of the scheme. Notwithstanding the objection of the Local Plan Inspector, The Council decided to allocate the adjacent employment site, thus placing the need for an employment site above the sustainability concerns. It is considered that given this starting point, the established employment site adjacent to this proposal, the fact that it is sensible for Probiotics to operate from one site thus reducing travelling between different sites, it is not considered that the application should be refused on the basis of these sustainability issues.

Availability of other sites

Comments have been made that Probiotics should look to other sites for their expansion plans. Moreover, that there are a number of other employment sites that are available. It is accepted that other employment sites are available and the company could have decided to have to expand a new facility elsewhere or uproot entirely. However, the

company have invested significant sums on the existing site and it makes economic sense, provided that there are no significant planning issues, to move to a different location.

Landscaping and Design

The proposal includes a detailed planting scheme that will be implemented along the north, east and south boundaries. The scheme involves the removal of the existing leylandii trees and the new planting will adjoin and link with the landscaping undertaken as part of the previous planning approvals. It is considered that the removal of the leylandii screen is entirely acceptable given that these are not a native species, with some in poor condition with die back on the lower parts of the trunk with resultant gaps. Their existence would also stifle the growth of any additional planting considered appropriate should the leylandii remain.

A detailed landscape scheme with a variety of native trees, hedgerow and shrubs is proposed as agreed with the Council's landscape officer. This will create a tall and low edge mix comprising Dogwood, Hazel, Hawthorn, Holly along with Cherry, Oak and Acer trees. This will provide a belt of planting ranging from 2.5 to 20 metres in depth around all but the western (internal) boundary. It is considered that this landscaping scheme will provide a far more appropriate landscape screen than the unattractive and non-native leylandii trees.

It should be noted that the Policy associated with the allocation of the adjacent employment site (ME/LOPE/1) contains the retention of the leylandii screen. However, for the reasons given above, and the advice of the landscape officer, it was considered appropriate to agree to the removal of the leylandii trees and their replacement with a mix of native planting.

The landscape officer has assessed this application and has not raised an objection to the proposal. Given the established development adjacent to the site, the existing nursery structures and site use that characterise this location, there is no in principle landscape objection to this proposal. In addition, its design, orientation, and siting particularly in comparison with building C (the first Probiotics to the west), and the rise in land to east of the site, assists in assimilating its mass and scale within the site. Thus, whilst the new building will stand 2 metres taller than the adjacent probiotics building and larger in overall scale, the landscape officer considers the proposal to be acceptable. In addition, the tonal treatment for the materials reflects that used for the previous approvals and thus is acceptable. Whilst it is accepted that the finish for the current buildings is not supported by all, the LPA was keen to ensure that the finish was not too bright or reflective.

Associated with the scale of the development, it is considered that, whilst SSLP policy ME4 supports the expansion of businesses in the countryside, and that this development would meet the criteria outlined under this policy, it is more difficult to accept that this constitutes a small scale expansion of the existing business. However, it is considered that this policy is now superseded by the policy support contained in the NPPF for the expansion of all types of business in rural areas.

Highways/Parking

The Highway Authority has not raised an objection to the proposed development. They have advised that the level of traffic to be generated by this proposal would result in about 50 movements in each peak period, or the equivalent of 1 additional movement per minute during peak times. In addition, the site access junction would be operating

well within capacity with these additional movements. Members will be aware that a new vehicular access was created from the old A303 as part of the approval for the earlier buildings on the adjacent site. In addition, a new internal road has been constructed that serves the existing units and will serve the proposed building.

The Highway Authority has stated that whilst the number of parking spaces is below the standard requirement, the Transport Assessment justifies this in relation to the number of employees and is considered to be consistent with the current trip generation of the site. On that basis, the Highway Authority considers that the number of parking spaces is acceptable. The Highway Authority has also sought submission of a Travel Plan – this will be imposed as a condition subject to permission being granted.

Environmental Impact Assessment (EIA)

Prior to the submission of the application, the agent requested a screening opinion from the Council to determine whether an EIA will be required as part of the current application. The Local Planning Authority replied stating that in its opinion and on the basis of the information provided, that the transport/highways, landscape/visual, ecological, flooding/drainage and noise impacts of the proposed development would not result in significant environmental effects. . On that basis, the Local Planning Authority advised that an EIA was not required.

Third parties did not agree with the Council's position in respect of the EIA. An agent on behalf of a third party wrote to the Secretary of State on 2 separate occasions requesting that the Secretary of State issues a screening direction for the above development. A number of issues were raised by the third parties including the original allocation of the employment site by the Council contrary to the Local Plan Inspector's recommendation, the landscape and visual impact of the development, traffic issues, noise and light pollution, the Council's failure to issue an EIA screening on an earlier application and the manufacturing processes undertaken by Probiotics. On both occasions the Secretary of State through his Senior Planning Manager at the National Planning Casework Unit has ruled that the proposed development is not EIA development. The Secretary of State's decision letters are attached to this report (please see appendices A and B).

Other issues

A point raised by third parties is that there is no strategic requirement for this site. The emerging local plan is stating the requirement for an additional 2 hectares of employment land in the South Petherton ward which includes the Lopen site. This is not an adopted policy and only limited weight can be attached to it at the current time. However, notwithstanding the current debate about the level of employment land required, it is not considered that this is particularly relevant to the consideration of this application nor indeed the correct test/policy to apply. It is not an application for a strategic employment site but an expansion of an existing business in the countryside. This is the basis upon which the application should be determined on the basis of local plan policy and the NPPF.

Following on from the last point, it is considered that if the application was for a general outline consent with no identified end users, then it could rightly be treated as speculative and to all intents and purposes as a strategic employment site. This was the case with the application for outline consent submitted in 2009 which included the current application site and land to the front of the site. Third parties have correctly referred to this earlier application. This was withdrawn as it was considered premature as other plots were available on the allocated site and would have been refused. As this current application is for an identified end user and 2 additional plots have subsequently

been developed on the allocated site, it is a fundamentally different application to the earlier outline application.

The site is located on Grade 1 agricultural land. Objections have been raised that this will remove land from agricultural use and that is contrary to national and local policies that seek to protect such quality agricultural land. It is accepted that this application will result in the loss of prime agricultural land. However, given the fact that it has been disused for a number of years, the small area of land involved and given its physical orientation sandwiched between employment uses and residential properties thus questioning whether it would actually be used for agricultural purposes, it is not considered that the application should be refused on the basis of loss of Grade 1 agricultural land.

Comments have been made about salaries paid by Probiotics. This may have well have a link to the level of local expenditure but staff salaries are not a planning issue.

Conclusion

It is fully acknowledged that there are a number of valid planning concerns about this proposal. However, for the reasons outlined in the report above, it is considered that the application is acceptable and is recommended for approval. One final point is considered important. Due to the fact that any permission granted is on the basis of an acceptance of the need put forward by Probiotics, any consent should be conditioned restricting the use of this building for Probiotics only.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

No planning obligations are being sought in connection with this application.

RECOMMENDATION

Grant permission

01. The proposed development by reason of its design, scale, siting and materials, is considered to respect the character and appearance of the area, will provide employment opportunities, will provide a satisfactory means of vehicular access and will also provide a satisfactory landscaping scheme. It is also considered that there is adequate justification to allow an expansion of Probiotics on land outside of the allocated employment site. The scheme accords with Policy ST5, ST6, and EC3 of the South Somerset Local Plan, Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to policy in the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for

external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

03. prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To prevent pollution of the water environment.

04. Prior to the commencement of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable means of travel to comply with the NPPF.

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

Reason: In the interests of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

06. The development hereby approved shall be carried out in accordance with the following approved plans:
479/01 P1 - Landscape plan

3030/pl-007 - Elevations.
 3030/PL-006 - Roof Plan
 3030/PL-003 SITE Plan

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

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To ensure that there is a proven planning need for any future enlargement of the building to accord with the NPPF.

08. The building hereby permitted shall only be carried out by Probiotics International Ltd (or any successor company) during its occupation of the land subject to this permission.

Reason: The Local Planning Authority wishes to control the uses on this site to accord with the NPPF.

09. No means of external lighting shall be installed on the building or within the rest of the application site without the written approval of the Local Planning Authority. Details of any external lighting to be submitted shall include the hours of operation of such lighting. Any approved external lighting subsequently installed shall not be changed or altered without the written consent of the Local Planning Authority.

Reason: To protect the visual amenity of the area in accordance with Policy ST5 and ST6 of the South Somerset Local Plan.

10. No construction works or deliveries shall take place outside of the hours of 08.00 to 17.30 Monday to Saturday. No construction works or deliveries shall take place on Sundays or any Public/Bank Holidays.

Reason: In the interests of residential amenity to accord with Policy ST6 of the South Somerset Local Plan.

11. No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment to accord with Policy EP9 of the South Somerset Local Plan.

12. Before the development hereby permitted is commenced, surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure a satisfactory means of surface water drainage is implemented as part of this development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To protect the amenity of the area in accordance with Policy ST6 of the South Somerset Local Plan.

14. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity to accord with Policy ST5 of the South Somerset Local Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no walls or other means of enclosure, other than those granted as part of this permission, shall be constructed or erected within the application site without the written consent of the Local Planning Authority. Once agreed, no changes shall be made to the fencing without the written agreement of the Local Planning Authority.

Reason: To protect the character and appearance of the area to accord with Policy ST6 of the South Somerset Local Plan.

16. No machinery shall be operated, no process shall be carried out and no deliveries taken or despatched from the site outside the hours of 07.00 - 19.00 Monday to Saturday nor at any time on Sunday, Bank or Public Holidays.

Reason: To protect residential amenity in accordance with Policy ST6 of the South Somerset Local Plan.

17. Before any of the development hereby permitted is commenced details of the internal ground floor levels of the building to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

18. No raw materials, products of any description, scrap or waste materials whatsoever shall be stored in the open on any part of the subject land without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy ST5 of the South Somerset Local Plan.

Informatives:

01. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

James Smith
James Smith Planning Law
Fleet House
8-12 New Bridge Street
London
ECV4 6AL

Please ask for:
Tel: 0303 444 8029
Email: David.crook@communities.gsi.gov.uk

Your ref:

Our ref: NPCU/EIASCR/R3325/70123

Date: 31st August 2012

Dear Mr Smith

Screening Direction issued by the Secretary of State on 13th April 2012 under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 in respect of full planning application by Pro-biotics International Limited for an extension of business premises onto land at the former Lopenhead Nursery Lopen Somerset

I refer to your letter of the 12th June 2012 and subsequent correspondence on these matters. I have carefully considered the matters that you have raised with respect to the screening direction but do not consider that there is any material or significant information that would lead the Secretary of State to reconsider the screening direction that the development proposed is not EIA development.

Schedule 1 Development

In your letter of 12th June you reiterate the view expressed in your original application to the Secretary of State that the processes undertaken on site amounts to a integrated facility for the production of basic pharmaceutical products using a chemical or biological process, and that insufficient information has been provided by the applicant on the nature of the processes of pro-biotic production. I subsequently wrote to the agents for the applicants requiring confirmation of the processes. Mr Frost has stated in an e-mail of 13th June:

all bacteria used in the products are fermented elsewhere and are brought onto the site at Lopen Head in a freeze dried powder format within which the bacteria are inert. Notwithstanding, these bacteria are not harmful to health given that they are put into products consumed by humans and animals.

During the on-site product manufacturing processes there is no fermentation process or other biological reaction. In fact quite the opposite is true. The other ingredients added to the products are specifically used to stop this from happening until such

time as the product is consumed by a human or animal when the right conditions are created to activate the bacteria, which then provide health benefits etc. If the bacteria were activated before consumption the products have little or no shelf life.

In the light of this, the Secretary of State remains of the view that the proposed application falls under Schedule 2 of the EIA Regulations and not Schedule 1.

Other Relevant Information

Thank you for sending the further correspondence from Barry Smith at the Environment Agency on the discharge consent. I had previously corresponded with the Environment Agency on this matter as a result of further correspondence that you sent to me on 10th April by e-mail. The EA response was very clear that whilst the information referred to was necessary for them to comply with the discharge permitting regime, and the Agency would maintain an objection to the Planning Application until this information had been provided, this information would not need to be part of an Environmental Statement. I can see nothing in Mr Smith's letter that would change this view and have confirmed this with the Environment Agency by phone.

Cumulative Impacts and Indirect Effects

I am familiar with the two cases that you quote. The Secretary of State has not looked at the effect on the extension to the existing development in isolation, particularly with respect to the visual impacts of the development, noise and light pollution and traffic impacts. An assessment has been made in accord with the requirements of the EIA Regulations and in particular Schedule 3 which sets out the selection criteria for screening development.

I understand that this is not the decision you were hoping for but I hope this further explanation has proved helpful.

I have copied this letter to South Somerset District Council and Boon Brown Architects, agents for the applicants.

Yours sincerely

David Crook MA MPhil MRTPI
Senior Planning Manager

James Smith
James Smith Planning Law
Fleet House
8-12 New Bridge Street
London
ECV4 6AL

Please ask for:
Tel: 0303 444 8029
Email: David.crook@communities.gsi.gov.uk
Your ref:
Our ref: NPCU/EIASCR/R3325/70123

Date: 13th April 2012

Dear Mr Smith

I refer to your request made pursuant to Regulation 4(8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) ("the 2011 Regulations"), for the Secretary of State's screening direction on the matter of whether or not the proposed development is 'EIA development' within the meaning of the 2011 Regulations.

The development proposed, an additional 2100 m² production office and warehouse space for the production of pro-biotic food supplements for humans and animals falls within the description at paragraphs 2 (10) and (7) of Schedule 2 to the 2011 Regulations and exceeds the threshold in column 2 of the table in Schedule 2 to the 2011 Regulations. I have considered your view that the development falls under Schedule 1 paragraph 6 but have concluded that the process is not a pharmaceutical process but more akin to food production or brewing. Therefore, the Secretary of State considers your proposal to be 'Schedule 2 development' within the meaning of the 2011 Regulations.

However, in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposal would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

Given its location, the development would clearly have some impact both in terms of visual impacts, noise and traffic. In terms of visual impact, the proposed extension would be very visible from the A303 and also from a number of the surrounding dwellings and settlements, and would have an incongruous appearance in the landscape, especially when taken in combination with the existing development. However the local landscape is not of high quality and is not recognised under any national or local designations. Many of the receptors would be on the A303 and travelling at speed and thus would view the site only in glimpses. Given this

although clearly intrusive, I do not consider that these visual impacts would amount to a significant impact.

Whilst noise levels may increase slightly, the production process in itself is not noisy and there is adequate distance between the site and the majority of receptors, although there may be some additional impact on the residential dwelling on site. Likewise there will be some leakage of light from the site but this can be minimised and is not likely to have a significant impact.

The development would result in increased HGV and private car movements, albeit at a relatively modest level even when combined with the existing use. However the impact of this increased traffic, even when taken cumulatively with existing traffic levels would not lead to either significant levels of congestion or environmental problems in terms of increased pollutants.

Accordingly, in exercise of the powers conferred on him by regulation 6(4) of the 2011 Regulations the Secretary of State hereby directs that the proposed development described in your request and the documents submitted with it, is not 'EIA development' within the meaning of the 2011 Regulations. Any permitted development rights which the proposal may enjoy under the Town and Country Planning (General Permitted Development) Order 1995 (SI 418) are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I have copied this letter to South Somerset District Council and Boon Brown Architects, agents for the applicants.

Yours sincerely

David Crook
MA MPhil MRTPI
Senior Planning Manager
NPCU

Area North Committee – 19 December 2012

Officer Report On Planning Application: 12/03855/REM

Proposal :	Reserved matters details relating to part of the site approved under outline permission (11/01556/OUT) for the provision of a care home and associated parking and access (GR: 348942/128838)
Site Address:	Somerton Health Park, Behind Berry, Somerton
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr P Clarke Cllr D J Norris
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	9th January 2013
Applicant :	Mr J Bailey
Agent: (no agent if blank)	Catherine Phillips Hawkridge House Chelston Business Park, Wellington, Somerset TA21 8YA
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

This application is brought to Committee at the suggestion of the Development Manager with agreement of the Chairman and Ward Members in light of the history of the site and significance of the proposed development for Somerton and to enable the issues raised to be debated in public.

SITE DESCRIPTION AND PROPOSAL



This site comprises level land to the northwest of the town centre car park, bounded by the railway cutting, Behind Berry and King Ina Drive. It currently comprises at two storey dwelling (25 Behind Berry, aka Pennards), and its curtilage and a former abattoir (21 Behind Berry). Both structures are set back from the road. To the south is a 1970s bungalow (Hawthorns) and there is a footpath running along site the railway line. There are a number of trees and domestic shrubs on the site, including a protected (TPO) beech in the rear garden of no. 25, adjacent to the footpath.

Development along Behind Berry is characterised by 2 storey, detached dwellings on generous plots with a similar form of development, albeit of a slightly higher density in King Ina Road. Materials are predominantly grey reconstituted stone and tiles with some render and natural stone.

The site is part of an area of high archaeological potential within development limits. There are identified land contamination issues related to the previous abattoir use.

This is a reserved matters application for the erection of a 3-storey (second floor partially with roof) 55 bed care home (with service yard) fronting onto Behind Berry. A delivery bay and 25 parking spaces would be provided to the east side of the site, a cycle parking facilities and 2 disabled parking spaces to the rear of the proposed building. There would be two points of access, an entrance from Behind Berry and an exit onto King Ina Road, linked by a service route along the back of the proposed building.

Additional information, originally submitted to discharge conditions on the previous full application (11/04811/FUL) has been added to this application. In the background information is being considered to discharge conditions of the outline permission.

RELEVANT HISTORY

11/04811/FUL Full planning permission granted for erection of a new health park, including a care home, surgery, parking and access. An associated unilateral under-taking (S106 agreement) obliged the developer not to occupy the care home until the surgery is substantially complete.

11/01556/OUT Outline permission granted for erection of a new health park, including a care home, surgery, parking and access (02/08/11). All matters apart from layout and access were reserved. Subsequently a minor amendment (11/03338/NMA) to reposition the buildings and change the parking provision as declined as it was considered to materially affect the approved scheme.

There is a history of applications in relation to previous activities. An application was submitted in 2006 for the erection of 14 flats on the abattoir site (06/03870/OUT), however this was withdrawn. Historically (early 1970s) residential development has been approved on land between the abattoir and 25 Behind Berry, however this was not apparently implemented.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan Review

STR1 - Sustainable Development
 STR2 - Towns
 STR4 - Development in Towns
 Policy 40 - Town Strategies
 Policy 42 - Walking
 Policy 48 - Access and Parking
 Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)

ST5 – General Principles of Development
 ST6 – The Quality of Development
 EC3 – Landscape Character
 EC8 – Protected Species
 EP1 – Noise
 EP3 – Light Pollution
 EP5 – Contaminated Land
 EP6 – Construction Management
 EH12 – Area of Archaeological Potential
 EU4 – Drainage
 TP1 – New Development and Pedestrian Movement
 TP2 – Travel Plans
 TP4 – Road Design
 TP5 – Accessibility by Public Transport
 TP6 – Non-residential parking
 MC6 – Location of Non-Shopping Key Town Centre Uses

National Planning Policy Framework

South Somerset Sustainable Community Strategy

Goal 3 – Healthy Environments
 Goal 4 – Services and Facilities
 Goal 8 – High Quality Homes
 Goal 9 – A Balanced Housing Market

CONSULTATIONS

Somerton Town Council – have not provided a formal view as they are owners of the present surgery site; however the ‘overview’ is that SSDC should be left to determine the application due to:-

“the complexity of the planning issues under consideration and the conflicts between the desire for progress on the site cf. the need for the long term security of a new Doctor’s Surgery.”

It is felt that the provision of the surgery should remain a formal condition of any approval.

County Highway Authority – No objection (access as considered at the outline stage). With regard to the proposed internal layout it is observed that:-

“this application seeks to provide 25 spaces which is acceptable. There will also be delivery bays and disabled spaces in line with the standards. The change to some tandem spaces caused by minor changes in layout is disappointing but it is assumed that these will be staff spaces and that a system will have to be developed to ensure that vehicles are not rapped in the rear spaces. This is very much an operational question for the operator.”

Police Architectural Liaison Officer – is concerned that the perimeter wall is too low to offer security to the ground floor residents, whose individual apartments lead out into the narrow strip of garden to the front, side and part of the rear. It is accepted that there will be some form of on-site care provision that could (if alerted) respond to residents' concerns if they felt it was appropriate. However it would be appropriate to offer an improved level of security so as not to raise the fear of crime in residents who will no doubt be of an age group who it will affect greatly. There should also be some form of access control to the garden area at the rear of the property adjacent to the disabled parking places.

The ability to be able to walk or drive through from Behind Berry to King Ina Road creates a semi private area which will undoubtedly be used as a desire line and gives a legitimate reason for a miscreant to be there, this could be considered a crime generator with the possibility of introducing the risk of anti-social behaviour.

Environment Agency – No objection.

Area Engineer – No comment. Subsequently it has been confirmed that the additional information provided is sufficient to discharge the drainage condition of the outline permission

Environmental Protection Unit – have confirmed that the details of the remediation strategy provided is sufficient to discharge the relevant condition of the outline permission.

Ecologist – is content that any ecological issues can be addressed under condition 4 of the outline permission. Subsequently it has been confirmed that the additional information provided is sufficient to discharge that condition.

Landscape Architect – accepts proposed landscaping plan

Tree Officer – accepts tree protection measures.

Conservation Manager – not supportive:-

“The context of this site is of two storey detached later 20th century suburban houses in largish garden plots. There is little continuity of frontage in the built form but the general pattern of development is of buildings well set back from the road. The majority of buildings are with roofs of simple gable form with ridges running parallel to the road. Frontage gables are absent. It cannot be described as the most sensitive part of Somerton and the introduction of a larger building here might not appear significantly out of place provided it respected the local context in height, scale and roof form and in

positioning in relation to the road frontage, its massing broken up to reflect the local pattern.

“The proposal at 2.5 and 3 storeys in height will however be out of scale. Add to this its form featuring dormers and large prominent gables to the road front and a position on the site close to the road frontage and I have to conclude that it would appear alien, bulky and intrusive. This area displays a local character devoid of gabled elevations and dormers and so the design of the proposal is at odds with this characteristic of the area in this respect also.

“I note the steps taken to reduce the appearance of bulk - some lower elements, double pile roof form etc. but these do not overcome the essential problem with the design in this context and I cannot recommend you supporting it in this form.

“Note that the drawings mislead by omitting to show the large number of rainwater pipes that will be required around the dormers and will disrupt the long elevations.”

Wessex Water – No observations to make

REPRESENTATIONS

3 local residents have written raising the following objections and concerns:-

- The applicant has not justified the omission of the surgery, the funding for which may not be available after April 2013, after when the surgery may become a “distant memory”.
- three storey care home would total dominate the site and surrounding area and would not have been previously accepted without surgery;
- over development of site – the Hawthornes should be made available for the surgery allowing the care home to be reduced in height;
- lack of space and amenity area for occupiers of care home;
- insufficient parking for staff and visitors;
- impact on traffic in Behind Berry;
- needs for care spaces, cost to residents and viability are not justified or explained;
- the financial footing of the applicant is challenged;
- the business model is disputed in light of proposed government legislation to be introduced in response to collapse of other care home providers;
- provision of the surgery should remain an obligation on the applicant – there have been no changes in circumstance;
- the town council is against the proposal;

A letter of support has also been received making the point that a new care home is a must for the town as Wessex House is out of date. The fact that the doctors don't want a new surgery should not hold this back.

APPLICANT'S CASE

“The need for a new care home is generated by the requirement to replace current facilities. Current nursing home facilities in Somerton are provided at Wessex House. Wessex House is over 40 years old and is substandard in providing the level of accommodation and facilities required in new care homes for the elderly due to the following:

- *Undersized bedrooms. The majority of rooms are 10 sq.m which is 2 sq.m below the minimum legal standard for new care homes of 12 sq.m.*
- *Only 2 bedrooms have en-suite facilities for residents. It is now a requirement that all residents have en-suite facilities*
- *Narrow corridors which are unsuitable for disabled access.*
- *Lack of storage to accommodate equipment such as wheelchairs, hoists, stand aids etc.*
- *An inefficient layout of bedrooms and day spaces which results in higher operating costs.*

“In addition there are high costs associated with the maintenance of the building. Somerset Care has therefore concluded that replacement facilities are urgently required.

“A 3 storey care home is required to ensure that a viable scheme is provided. Somerset Care provides publicly funded beds at Wessex House. Currently over 80% of the residents rely on public finance. The current nursing care fee paid by Somerset County Council per person is £550.54 per week. An appraisal undertaken in February 2012 by Savills (Chartered Surveyors) concluded that the operating cost per bed at the proposed care home would be £442 per week. Therefore Somerset Care has a margin of £108.54 per bed per week to fund rent and make a small profit from.

“The capital cost of building a 2 storey care home would be approximately £600,000 more than the 3 storey care home, and it would occupy a larger part of the site. The existing Hawthorns bungalow would therefore have to be demolished to allow for a 2 storey care home to be built. The bungalow is valued at £280,000. Therefore a 2 storey care home would increase the capital cost of the care home by £880,000 or £16,000 per bed. This would equate to an additional rent of £1,200 per annum per bed or £23 per bed per week. A rent of £128 per bed would result in a loss of approximately £20 per bed per week and therefore, the 2 storey option is not viable.

“The GP’s at the Langport Surgery withdrew from leading a new partnership for Somerton in August 2012 due to management issues. The Penn Hill Group who are responsible for the Somerton Surgery are continuing to work with the Somerset Primary Care Trust to promote a new partnership of GP’s based in Somerton to hold the Primary Care Contract. Until this new partnership is in place there is no end user to commit to a new surgery building.

“It remains our intention to leave the remainder of the site available for the surgery to come forward at a later date. We are and always have been, committed to bringing forward a surgery on this site.”

CONSIDERATIONS

The approval of the previous applications has demonstrated the acceptability of the principle of the proposed development. The outline approval has agreed the points of access and the layout; this has been reinforced by the subsequent full approval. Accordingly, and notwithstanding continued local concern about the access arrangements, it is not considered that there have been any changes in circumstance for policy that could justify rejecting the proposed accesses, which are identical to those previously approved.

The general layout and level of development of this part of the site is essentially the

same, and the highways officer remains supportive, noting that 25 parking spaces is sufficient. Any additional parking requirements could be met by existing provision without detriment to the town centre or local amenities, and in any event other controls exist to regulate parking in public spaces.

No technical objections have been raised on the basis of drainage, archaeology, ecology, land contamination, noise or light pollution and in any event these matters are covered by condition attached to the outline permission.

On this basis it is considered that, in respect of the above issues and subject to appropriate safeguarding conditions, the proposal complies with policies EC8, EP1, EP3, EP5, EH12, EU4, TP1, TP2, TP4, TP6 and MC6.

It is therefore considered that the proposal falls to be determined on the basis of the matters reserved by the previous approval, namely:-

- Design and Appearance
- Landscaping
- Scale
- Omission of the doctors surgery

Design and Appearance

Whilst the comments of the Conservation Manager with regard to the design/appearance are noted, it has not been previously considered that this edge of settlement location is so sensitive that the new development should slavishly follow the design and general appearance of the existing buildings. The proposed materials, as specified on the submitted schedule (reconstituted stone, render and tiles) are considered acceptable, subject to the agreement of the colour of the render.

The window arrangement is such that no undue impact on residential amenity through overlooking/loss of privacy would arise.

Accordingly, and mindful of the previous approval an identical proposal it is considered that the design and appearance of the care home and surgery comply with the relevant parts of policies ST5 and ST6 and no harm to residential amenity would occur.

Landscaping

The landscape and tree officers are supportive of the proposal subject to compliance with the submitted details. As such this aspect of the proposal complies with policy EC3 and the relevant parts of policies ST5 and ST6.

Scale

The Conservation Manager has raised a clear objection to the height and bulk and is concerned that the introduction of such a large building could appear significantly out of place in this locality. In particular it is considered to be a potentially harmful feature in the street scene where development is typically domestic scale 2-storey detached dwellings at a relatively low density.

This concern was clearly articulated in the determination of the outline application; indeed an informative was added to the decision to remind the applicant of the Council's concerns over the impact of a substantial 3-storey structure.

The applicant has attempted to address this concern by lowering the building and designing it to appear as a 2½ storey structure. Further attempts to mitigate the building's visual impact have been made by lowering it by about 1m relative to behind Berry and breaking up the street elevation with the incorporation of projecting gables, set-backs of building lines, dormer windows with balconies and a variation of materials.

Whilst these steps are welcome it is considered that, at 12m high, c.55m long and up to 21m deep, the care home remains an imposing structure and potentially contrary to policies ST5 part 4 and ST6 (part 5). Previously such concerns were balanced against the benefits of providing a modern health centre that would be in the interest of the residents of Somerton.

As set out in the applicant's case the size of the building is necessary to ensure that care provision is economically viable and it is noted that the existing care facility at Wessex House is barely fit for purpose. Furthermore it is noted that the applicant remains committed to the provision of a surgery on this site. It is considered that these benefits weigh in favour of the application.

Accordingly, and in light of the steps that have been taken to mitigate the visual impact of the building and the mitigating landscape planting now proposed it is considered that any visual harm would sufficiently minimal so as to be outweighed by the benefits to the local community. On the basis that this element will be delivered as part of a comprehensive development this aspect of the scheme is considered to meet the requirements of policies ST5 and ST6.

Omission of the Doctors Surgery

It is accepted the previous inclusion of the surgery in the comprehensive scheme for the site (11/04811/FUL) weighed heavily in favour of that application. Its omission, which is acknowledged to be outside the control of the applicant, is disappointing.

Nevertheless it must be acknowledged that the Council's earlier approval of an identical care home established that its visual impact is not so serious that it demands an outright refusal. As noted above the scheme still brings tangible benefits for the community and does not preclude the future delivery of a medical centre on this site.

It should be noted that the outline permission does not constitute the allocation of this site for a surgery and there is nothing in that permission that dictates that a comprehensive reserved matters application should be made for the entire site.

Accordingly, whilst deeply regrettable it is not considered that the omission of the surgery from this reserved matters application is objectionable. Furthermore its omission should not lead the local planning authority to the conclusion that the previously approved care home should now be refused.

Other Issues

Turning to the outstanding comments made by local residents and members of the town council, the following observations are offered:-

- It has been confirmed that the applicant owns the adjacent bungalow, its later inclusion into a possible enlarged site for the surgery remains a possibility
- The amenity provision for the benefit of the occupiers of the care home has not changed and is still considered acceptable;

- The financial status of the applicant or the business plan behind the care home are not material considerations;

Conclusion

Notwithstanding the concerns raised by local residents and members of the town council, and acknowledging that this is a very finely balanced application it is considered that the proposed care home would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination have been adequately addressed by appropriate safeguarding conditions at outline stage. Any potential harm to visual amenity would, on balance, be outweighed by the benefits to the community of providing an affordable, modern care house to replace Wessex House, whilst safeguarding a site for a new medical centre.

RECOMMENDATION

Planning permission be granted subject to the following conditions.

Justification

The proposed care home in this edge of town location would be of an appropriate scale, with a suitable design and layout, parking and access arrangements, that would not be prejudicial to visual amenity, the character of the locality, highways safety, the archaeological potential of the site or protected species. Issues of drainage and land contamination have been adequately addressed by appropriate safeguarding conditions on the outline permission. As such the proposal complies with saved policies ST5, ST6, ST10, EC3, EU4, EP1, EP3, EP5, EP6, EH12, EC8, TP1, TP2, TP4, TP5, TP6 and MC6 of the South Somerset Local Plan, 2006.

Conditions

01. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a scheme of tree planting, the tree protection measures set out on drawing SPP.1629.2D received by email 22/11/12 shall be implemented and the recommended protection measures shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason: To secure the planting of new trees and to preserve existing trees in accordance with the objectives within Policy ST6 (The Quality of Development) of the South Somerset Local Plan 2006, the 2005 National Planning Policy Statement 1: Delivering Sustainable Development; Protection and Enhancement of the Environment [Sections 17 - 20] and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

02. The external materials shall accord with the updated 'Schedule of External Materials (26/11/12) received by email 28/11/12.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

03. No development hereby approved shall be carried out until particulars of the colour and finish of the external render have been submitted to and approved in writing by the Local Planning authority

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

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

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TP6 of the South Somerset Local Plan.

05. The landscape plant scheme shown on drawing numbers SPP01629.2D and SPP.1629.3A shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

06. The development shall carried out in accordance with the following plans 4307-9H; 4307-20C; 4307-21D; 4307-22B; 4307-23B; 4307-25B; 4307-27B; HBHT10267/AT01

Reason: To define the development hereby approved.

Informative

You are reminded of the need to comply with the conditions attached to the outline permission (11/01556/OUT) for the development of this site.
