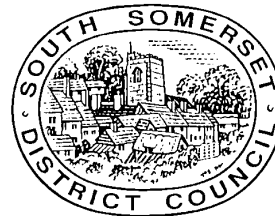


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 18th October 2017

5.00 pm

(The first two items on the agenda are confidential and will be taken in closed session. The remainder of the meeting is open to the public and will not start before 5.45pm)

The Guildhall, Fore Street Chard, TA20 1PP

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Jason Baker
Marcus Barrett
Mike Best
Amanda Broom
Dave Bulmer
Carol Goodall

Val Keitch
Jenny Kenton
Paul Maxwell
Sue Osborne
Ric Pallister
Garry Shortland

Angie Singleton
Andrew Turpin
Linda Vjeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.30pm.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462055 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 9 October 2017.

Ian Clarke, Director (Support Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which 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 West Committee are held monthly, usually at 5.30pm, on the third Wednesday of the month (except December) in village halls throughout Area West (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

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

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

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.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area West Committee

Wednesday 18 October 2017

Agenda

Preliminary Items

- 1. Historic Buildings at Risk (Confidential)** (Pages 6 - 15)
- 2. Chard Eastern Development Area Sustainable Route - Legal Agreement to Secure Public Access (Executive Decision) (Confidential)** (Pages 16 - 18)
- 3. To approve as a correct record the Minutes of the Previous Meeting held on 20th September 2017**
- 4. Apologies for Absence**
- 5. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

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

Councillors Mike Best, Angie Singleton and Martin Wale.

Where planning applications are referred by this Committee to the Regulation Committee for determination, 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.

6. Date and Venue for Next Meeting

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 15th November 2017 at 5.30pm. Venue to be confirmed.

7. Public Question Time

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

8. Chairman's Announcements

Items for Discussion

- 9. Countryside Service Update Report** (Pages 19 - 25)
- 10. Area West - Reports from Members on Outside Organisations** (Page 26)
- 11. Area West Committee - Forward Plan** (Pages 27 - 29)
- 12. Planning Appeals** (Pages 30 - 37)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 38 - 39)
- 14. Planning Application: 17/02164/FUL - Land At Beetham, Higher Beetham, Whitestaunton** (Pages 40 - 51)
- 15. Planning Application 17/02165/FUL - Land At Beetham, Higher Beetham, Whitestaunton** (Pages 52 - 63)
- 16. Planning Application: 16/01967/COU - Land OS 5743 The Drift, Forton** (Pages 64 - 72)

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.

Agenda Item 1

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 2

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 9

Update Report from the Countryside Service

Executive Portfolio Holder: Sylvia Seal, Leisure and Culture
Strategic Director: Clare Pestell, Commercial Services & Income Generation
Lead Officer: Katy Menday, Countryside Manager
Contact Details: katy.menday@southsomerset.gov.uk or (01935) 462522

Purpose of the Report

To update members on the work of the Countryside Service across the District over the past year and on key projects for the next 6 months.

Public Interest

This report aims to provide the highlights of the Countryside Team at South Somerset over the past year, with particular reference to the rangers based at the countryside sites. It will summarise what has been completed in terms of land management and also event delivery for the public. The countryside team manage sites, buildings & a café at Ham Hill Country Park, Yeovil Country Park, Chard Reservoir Local Nature Reserve, Sampson's Wood, Langport cycleway, Moldrams Ground Local Nature Reserve and Eastfield Local Nature Reserve.

Recommendation

That members note & comment on the report.

Report

Across the South Somerset Countryside Sites

- Ham Hill, Yeovil Country Park and Chard Reservoir all again secured their Green Flag Awards. Ham Hill also retained its Green Heritage accreditation.
- In the last year the team has delivered 126 events. This was on a range of scales (large fairs and trail events, to small play schemes and storytelling) and subjects (woodland fairs, photography workshops, wild food forays and the ever popular spring and Halloween events) to appeal to many residents and visitors. We estimate that 7,995 people (children and adults) attended these events, having direct ranger contact, and feedback is always positive. Event delivery continues to be enhanced due to the delivery of the Heritage Lottery Funded Community Ranger in Yeovil Country Park; Becky Russell.

	Sept 2014 – Aug 2015	Sept 2015 – Aug 2016	Sept 2016 – Aug 2017
Events	45	110	126
Events participants	5,071	11,162	7,995
Educational visits	24	51	54
Pupil participants	971	1,640	1,323
Volunteer days	2,387	2,706	2,949

- Bookable play schemes and activities this year have been sold out across the Country Parks. With new and innovative sessions on offer (e.g. Capture the Fort) coupled with the easy online booking system we have found sessions fully booked weeks in advance. The rangers are currently delivering events at capacity and so we are investigating alternative ways of delivering more sessions for the public. At Ham Hill this has included working with willow artists from Tinkers Bubble and re-enactment metal workers for metal craft sessions.
- The Team attended the Yeovil Show in July to show case the work of the Service with the aim of completing off site visitor surveys to help inform the team of public opinion. The stall created by the rangers secured a second place award in the trade stand category.
- The Rangers at Ham Hill and Yeovil Country Park have hosted 54 formal school visits seeing 1,323 pupils from mainly key stage 2. Sessions have focussed on plants, habitats and at Ham Hill Iron Age and Roman history. There is ongoing engagement in Yeovil with key stage 1 settings as Forest School remains high on the agenda. Further schools and groups access the sites to lead their own sessions, making use of our online educational & orienteering packs and Ranger Rik Nature Trail.
- Volunteering continues to be the back bone of the countryside operation. In the past three years volunteer days donated have steadily increased from 2,387 to 2,706 and in the last year 2,949. The diversification of volunteering opportunities is responsible for this gradual and steady increase with a popular Monday afternoon lighter duties session at Yeovil, multiple weekdays at Chard and full time project volunteering and specialist volunteering at Ham Hill. Volunteers across the sites help with all aspects of practical site management, they open and close public facilities 7 days a week, monitor wildlife, litter pick and assist at events. In the last year the rangers organised a thank you away day for all our volunteers to Weymouth with guided walks at RSPB Radipole Lake and later in the year a Christmas party.
- In addition to the practical volunteering the Friends Groups have donated many hundreds of hours of grant funding work, event support and research for the ranger teams. Meeting monthly the groups provide advice, support, ideas and a forum for the users of the parks. A total of 88 days of volunteering has been contributed by these groups; however this does not include all the work behind the scenes.
- The Countryside Team continue to manage the overseeing South Somerset Countryside Steering Group; a forum where stakeholders and experts can come together to ensure delivery against the site management plans. In this past year a number of members of the Local Area Group for Somerset Wildlife Trust have joined the forum as the local group has sadly closed; the rangers are delighted to welcome their wildlife expertise. In addition to this the specialist Park Watch group (Avon and Somerset Police, plus Rangers, enforcement team and local residents) meet for Yeovil when necessary.
- Last winter 418 native trees were planted across Ham Hill and Yeovil Country Parks. All native species, expanding the woodland size, quality and connectivity in South Somerset. The Friends Groups continue to ensure we receive the free tree packs from the Woodland Trust. The woodland restoration in Ninesprings is now well underway after two winters of extensive clearance of laurel. Sadly Ash Dieback has now been confirmed at all three main countryside sites. The infection has been reported to the Forestry Commission and although no action is required the site rangers monitor the spread of the disease through the seasonal changes. The hope continues to be that mature ash specimens have natural resistivity to the infection and their genetics can be used to propagate a resilient variant of our native ash tree.

- Practical land management is delivered by the rangers and volunteers across the sites, all inline with their 5 year land management plans and the archaeological management plan for Ham Hill. Conservation targets are monitored in a range of ways including via the annual species surveys conducted for us by local volunteers. The rangers continue to use a range of traditional countryside management techniques wherever possible including hedge laying, dry stone walling and coppicing.
- Our web and online presence continue to be well received. Bookings for events are via www.southsomerseycountryside.com and events were fully booked in the last year. All site literature is now available online and many visitors choose to access leaflets and guides before they visit.
- Our presence on social media continues to be well received with very successful Facebook feeds for Ham Hill, Yeovil Country Park, Ninesprings Cafe and Chard Reservoir LNR. The Friends groups and volunteers carry out most of the management of these pages, regularly posting pictures and site updates. The Twitter feed for the ranger team is @SSDCCountryside which we do need to try and use more frequently.
- In August staff and volunteers received training from a local ecologist in the monitoring of reptile populations. Site surveys have now commenced for Chard, Ham Hill and Yeovil. Records for existing populations will be developed and habitat management adjusted accordingly to ensure provision for reptiles across the sites. This on-going data will also enable the service to engage with developers seeking to find translocation sites for reptile populations from development sites.
- Regular annual funding income from Agri Environment schemes, Yeovil Town Council, wood sales, events, grazing tenants and other licensees continues to be secured. The Rangers and Friends groups continue to research and apply for a variety small grant funds for distinct and smaller enhancement projects at the sites, but as both country parks are in the midst of delivering larger lottery funded projects we do not currently have any larger bids submitted.

Ham Hill Country Park

- The construction works for the restoration of the Witcombe Valley stream are now complete. The old Medieval pond was excavated under the supervision of an archaeologist and a network of holding ponds and linking stream created flowing down into the wet woodland to the south. Local schools have been involved in the sowing and planting of the banksides to ensure a good native habitat develops next spring.
- The site has had an exceptionally busy summer with many visitors and a successful events program. The site continues to be a popular venue for outside organisations to run sponsored walks and events and a new application system has been set up to ensure all events are properly managed.
- The Friends of Ham Hill continue to work to support the site and in the last year key projects have included the development of a new woodland play trail and funding for a new CCTV camera to cover car parks that can unfortunately be the focus for car crime. Project income for the year through the Friends Group included:

People's Postcode Local Trust	£2,000	Woodland Play Trail
Avon and Somerset Police Crime Commissioners Fund	£1,500	CCTV camera

The group has recently applied for constitution as a charity through the Charity Commission.

- Events this last year included the third annual dog show organised by volunteers, a popular range of summer holiday play schemes with the rangers and a variety of sporting events that are becoming established including the Full Monty Race and the new Conquest of Avalon long distance run.
- The rangers and volunteers worked hard over the busy summer months to hand pull many tons of wild parsnip from the most popular areas of the Country Park. This native plants sap can cause irritation to the skin when combined with sunlight and therefore poses a particular risk to our younger visitors. Two years of summer pulling has decreased the number of plants on site. Warning posters are erected each year in the spring, along with information about ticks and Lyme's disease, to ensure site visitors are informed about the natural hazards in the countryside.
- The Public Space Protection Order came into force in the spring of 2017, enabling the enforcement of dog fouling and dogs on leads when in with livestock across the sites. The designation does give the ranger team more powers of enforcement alongside the SSDC Enforcement Officers.

Eastfield Local Nature Reserve, High Ham

- The rangers and volunteers organise practical working party days to manage the grassland habitats on site. Contact is maintained between the ranger team and Butterfly Conservation with reference habitat quality and monitoring of species like the Brown hairstreak butterfly. Local volunteers now help to monitor site and assist with management activities.

Moldram's Ground Local Nature Reserve, Pen Selwood

- Great crested newts and dormice are the priority species on site that management is directed for. The secondary pond created by the rangers is now populated with newts and the populations are stable. A small team of local residents continue to visit the site regularly to report any issues to the ranger team so we can ensure that the site is well managed despite working so remotely from it.

Sampson's Wood

- The Yeovil rangers continue to monitor the tree stock and manage any issues as they arise. A new access track has been agreed and transferred to the woodland holding from the developers of the old Balidon House site to improve public access.

Yeovil Country Park

- The Heritage Lottery Funded V3 InVolve, Visit, Volunteer project continues to be delivered across the Country Park with restoration work in the historic Valley gardens of Ninesprings a firm favourite with the public. A specialist volunteer team now meets to continue this work and maintain the springs and grottos that have been restored as part of the project. Also in Ninesprings a new railway mural has been created by Bristol artist Jody Thomas on the old railway siding to illustrate the changing importance of the route; the wildlife is proving to be a talking point and provides an educational slant to the piece.
- Many groups have benefitted from the sessions and activities offered by the community ranger and attended across a range of developmental activities including Somerset MIND, Somerset Team for Early Psychosis (STEP), Preston Autism Unit and Fiveways School. Becky has now worked with all the schools in Yeovil and many from further afield.

- Volunteer retile surveying training and tree identification sessions have been organised and further training development sessions are planned for the coming months as the practical work program shifts to winter works.
- The ranger team delivered a mix of well received events, including the popular trail events in February half term, Easter holidays and Halloween. The V3 project also delivered a range of events spanning from leather work courses (supported by Pittards) and photography workshops. More sessions and activities for preschool children and toddlers have been delivered as sessions were popular last year and greater capacity required. The rangers have worked together to create new versions of popular events like Nighttime Ninesprings; an event suitable for 8+ years where bat detecting is coupled with fire lighting and storytelling. Additional capacity has also been created on Christmas events to satisfy demand.
- A new sculpture trail is currently being installed throughout the country park with a variety of wooden sculptures created by artist Jozef Mesar based around the built and natural heritage of the country park. A self-guided trail will be created for people to follow to view all the pieces.
- Projects were developed with Somerset Art Works and a ceramic artist, to deliver workshops to schools and groups using clay, with finished pieces now on show at the Octagon Theatre. A Literacy project aimed at pupils at all the Yeovil secondary schools was rolled out in October half term and again in the Easter holidays.
- A range of infrastructure repairs have been delivered across the Country Park from new gabions to stabilise the banks of the River Yeo and tarmac repairs to the cycleway.
- The Ninesprings Café has continued to flourish and also benefited from the array of activities and events on offer in the country park.

Chard Reservoir Local Nature Reserve

- The Chard Volunteer Group continues to deliver a huge range of practical site improvements and conservation works. Twice a week the group meets and have this past year cleared vegetation to enable reed bed restoration, renovated benches and seats across the site, cleared out and surveyed bird boxes, made stable the old boat house, repaired eroding woodland paths, sown wild flower patches on the dam wall and repaired fishing platforms.
- A skilled regular volunteer has undertaken to lay all the reserves hedges as part of the conservation management of the site. The work is admired locally and provides training opportunities for other volunteers.
- The constituted Volunteer Group now meets formally to develop projects and fundraising ideas. Using funding from Waitrose they are currently installing new snapshot interpretation panels around the site to explain features of interest. The group have also constructed a woodland play zone on the way to the bird hide which is very popular with visitors.
- Other site works include the re-building of two bridges across the stream in the meadows.
- Successful events at Chard this year included the July Countryside Day and a further Crafty Chard Day in August that attracted many hundreds of children and families.

Headlines for the next 6 months

- The V3 Heritage Lottery project in Yeovil will continue with its winter programme of works whilst events and school visits are quieter. The new map and building interpretation will be finalised and installed.
- Events for 2018 will be developed taking on board feedback from this year.

- A range of small grants will be pursued with our Friends groups to help enable a variety of site improvement projects to go forward in 2018.
- Tree planting schemes will be completed across the sites where appropriate space exists for native woodland plantings.
- Chard Reservoir will be subject to its scheduled ten year dam inspection.

Financial Implications

In 2016/17 the Countryside Service manages 650 acres of public access land comprising land designated mainly as Country Parks and Local Nature Reserves, with two Country Park Centre's and the Ninesprings Cafe. A team of 5.8 Full Time Equivalent countryside staff and 1 Full Time Café manager plus a casual café workforce manage the service to a net expenditure budget of £247,580. The overall budget includes target annual income generation of £259,970.

Corporate Priority Implications

The work of the countryside service delivers for the following targets.

Council Plan –Environment

- Maintain Country Parks and open spaces to promote good mental and physical health.

Council Plan –Health and Communities

- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.

Carbon Emissions & Climate Change Implications

The Countryside Team are aware of the challenges faced in mitigating climate change and as a team work hard to ensure that their operations have a minimal carbon footprint. We ensure that by approaching the management of the countryside sites in a traditional manner they offer the largest carbon sink for other operations.

Annually the team plants around 500 trees and these are always native, ensuring they are best suited to our current climate; providing habitats with the best chance of adaptation to future climate change. By having site based rangers travel is kept to a minimum and carbon emissions kept low. Instead of heavy power tool use the nature of the work means that a significant volunteer work force is mobilised keeping fuel consumption low.

Annually thousands of members of the public of all ages have contact with the ranger team through organised educational events; promoting wildlife, green spaces, green living, traditional countryside management and minimising your carbon footprint.

Equality and Diversity Implications

The countryside team work hard to ensure that the countryside sites are as accessible as possible. Stiles are removed in favour of gates. An audio trail and free mobility vehicle are for hire at Ham Hill

Country Park and will shortly be available in Yeovil. Easy access trails are promoted at the largest sites. The website contains relevant information and assistance for planning visits.

Background papers: None

Agenda Item 10

Area West – Reports from Members on Outside Bodies

Communities Lead: Helen Rutter, Communities Lead

Service Manager: Tim Cook, Area Development Lead (East/West)

Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

Background

To replace “Reports from members on outside organisations” as a generic standing agenda item it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

Members were appointed to serve on ten outside bodies at the June 2016 meeting.

Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month the member report is :

Ilminster Forum – Cllr. Carol Goodall (verbal update)

Recommendation

That the reports are noted.

Financial Implications

None.

Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

Background Papers: None

Agenda Item 11

Area West Committee - Forward Plan

Communities Lead: Helen Rutter, Communities Lead
Service Manager: Tim Cook, Area Development Lead (East/West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer, Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area 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 corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: *None.*

Notes

- (1) Items marked in italics are not yet confirmed.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Chairman's announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
15 th November 2017	<i>Environmental Health Update Report</i>	<i>Service update report</i>	<i>Alasdair Bell, Environmental Health Manager</i>
15 th November 2017	<i>Highways Update Report</i>	<i>To update members on the highways maintenance work carried out by the County Highway Authority.</i>	<i>Mike Fear, Assistant Highway Service Manager, Somerset County Council</i>
15 th November 2017	<i>Update on the Warmer Chard Project</i>	<i>The Area West Committee approved a grant of up to £7,260 to the Centre for Sustainable Energy to deliver the Warmer Chard project from the Area West Community Grants budget in August 2016.</i>	<i>Dylan Martlew, Neighbourhood Development Officer</i>
15 th November 2017	<i>Crewkerne Leisure Management (Aqua Centre)</i>	<i>Reports from members on Outside Organisations</i>	<i>Cllr. Angie Singleton</i>
15 th November 2017	<i>Customer Service delivery in Ilminster</i>	<i>Proposal outlining an alternative model to better meet customer demand in Ilminster.</i>	<i>Lisa Davis, Community Office Support Manager</i>
6 th December 2017	<i>S106 Obligations</i>	<i>Update Report</i>	<i>Neil Waddleton, S106 Monitoring Officer</i>
6 th December 2017	<i>Blackdown Hills Area of Outstanding Natural Beauty (AONB)</i>	<i>Progress Report</i>	<i>Tim Cook, Area Development Lead (East/West) Cllr. Martin Wale</i>
6 th December 2017	<i>Half Year progress of the Area Development Programme</i>	<i>Progress Report</i>	<i>Tim Cook, Area Development Lead (East/West)</i>
6 th December 2017	<i>Chard Regeneration Scheme</i>	<i>Progress Report</i>	<i>David Julian, Economic Development Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
6 th December 2017	One Public Estate Programme	Update report on the One Public Estate Programme	Nena Beric, Project Manager
6 th December 2017	Crewkerne & District Museum	Reports from members on outside organisations	Cllr. Marcus Barrett
17 th January 2018	Avon & Somerset Policing Update	Report on activities on neighbourhood policing and partnership working to reduce crime and fear of crime.	Sgt. Rob Jameson
17 th January 2018	Avon and Somerset Police and Crime Panel	Update report	Cllr. Martin Wale
17 th January 2018	Chard & District Museum	Reports from members on outside organisations	Cllr. Amanda Broom
21 st February 2018	Ile Youth Centre Management Committee	Reports from members on outside organisations	Cllr. Val Keitch
21 st February 2018	Making It Local Executive Group	Reports from members on outside organisations	Cllr. Martin Wale
21 st March 2018	A Better Crewkerne & District (ABCD)	Reports from members on outside organisations	Cllr. Mike Best
21 st March 2018	Meeting House Arts Centre, Ilminster	Reports from members on outside organisations	Cllr. Carol Goodall
18 th April 2018	Town Centre Events Grants Programme	Report outlining the effectiveness of the programme and details of the awards made	Dylan Martlew, Neighbourhood Development Officer (Economy)

Agenda Item 12

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
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.

Recommendation

That the report be noted.

Background

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.

Report Detail

Appeals Dismissed

16/04822/FUL – 8 and 10 Victoria Avenue, Chard, Somerset, TA20 1HE (Officer Decision)
The erection of 1 No. dwelling in the garden of 8 & 10 Victoria Avenue

16/04454/OUT – The builders Yard, Wood Road, Ashill, Ilminster, Somerset, TA19 9NP
(Officer Decision)
The erection of 5 No. dwellings with associated access (outline)

Background Papers

Appeal decision notices attached



Appeal Decision

Site visit made on 22 August 2017

by **JP Roberts BSc(Hons) LLB(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2017

Appeal Ref: APP/R3325/W/17/3175122

8 and 10 Victoria Avenue, Chard, Somerset TA20 1HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Pape against the decision of South Somerset District Council.
 - The application Ref 16/04822/FUL, dated 17 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of a dwelling in the rear garden of 8 & 10 Victoria Avenue, including provision of 2 no. car parking bays (off street) per dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant raised concerns about the manner in which the application was decided, under delegated powers, rather than by reference to Committee. This is not a matter for me to consider, and it does not affect my consideration of the appeal.

Main Issue

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the surrounding residential area, and
 - ii) the planning balance.

Reasons

Character and appearance

4. The appeal site forms the rearmost part of the back gardens of two dwellings which are part of a regular line of semi-detached and terraced two storey houses, backing onto Stringfellow Park, a large area of public open space. The site falls within the built-up area of Chard where there is no objection in principle to new residential development, as set out in South Somerset Local Plan (LP) Policy SS1.
5. The back gardens along this stretch of Victoria Avenue are long, but fairly narrow, rising towards the rear. Whilst there are some outbuildings in the rear gardens, there are none that are anything like as large as the two-storey

dwelling proposed. The dwelling would, because of its size, and its position on higher ground, appear as prominent and incongruous in a hinterland location, and would relate poorly to the established line of much taller dwellings on Victoria Avenue.

6. Although the site is only visible in a fairly narrow vista along Victoria Avenue, it can be seen clearly from a number of residential properties along the road and from a number of the flats in Victoria Court. There is no boundary planting along the boundary with the adjacent park, and the dwelling would have a comparatively small rear garden and would appear out of place and cramped when seen from the public open space and the well-used footpath that runs parallel with the boundary.
7. The host properties would be left with uncharacteristically small rear gardens, particularly 8 Victoria Avenue which would be notably smaller than that of the adjacent properties. This would add to the incongruity that I have found.
8. Whilst the flats at Victoria Court to the south extend some way into the site, it is a corner property with its own identity and does not intrude into an established line of dwellings with a distinctive character of their own. I consider that the proposal fails to reinforce local distinctiveness or respect local context as required by LP Policy EQ2.
9. I therefore find on the first main issue that the proposal would result in significant harm to the character and appearance of the surrounding mainly residential area, and would conflict with the LP policy referred to above.

Planning balance

10. The appellant contends that the Council cannot demonstrate a 5 year supply of housing land. This has not been disputed by the Council, in which case the provisions of paragraphs 14 and 49 of the National Planning Policy Framework (the Framework) come into play. Their effect is to provide that where a 5 year supply cannot be demonstrated, the policies for the supply of housing are out of date, and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
11. There are no Framework policies that indicate that development should be restricted, and therefore the "tilted balance" applies. I have not been told anything about the extent of the shortfall, for how long it has persisted, or what steps have been taken to address it. Although I recognise that cumulatively, small sites such as this can make a valuable contribution towards easing shortfalls, the provision of one dwelling would make the smallest possible contribution. Even so, one further dwelling would bring a social benefit in helping to meet the housing needs of the district.
12. The proposal would also bring with it some economic benefits resulting from the construction and occupation of the new dwelling, but I afford these only modest weight. To be weighed against these considerations is the significant harm I have found to the character and appearance of the area, which leads me to the conclusion that the environmental role of sustainable development would not be fulfilled. This adverse impact would significantly and

demonstrably outweigh the benefits I have identified. When looked at in the round the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including those of the Framework.

Other matters

13. A neighbour has raised concerns about overlooking. The plans show that a first floor bedroom and lounge would have windows in a gable which would overlook windows in Victoria Avenue properties, in No 10 in particular at what I consider to be an unacceptably close distance. However, if the appeal were to have been allowed, a condition to require that they be obscurely glazed up to a height of 1.7m would have been adequate to address the matter.

Conclusion

14. For the reasons given the proposal is unacceptable and the appeal should fail.

JP Roberts

INSPECTOR



Appeal Decision

Site visit made on 4 September 2017

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2017

Appeal Ref: APP/R3325/W/17/3172435

2 Wood Road, Ashill, Ilminster TA19 9NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Philip and Jo Underhill against the decision of South Somerset District Council.
 - The application Ref 16/04454/OUT, dated 11 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is erection of five dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access for consideration at this stage. All other matters are reserved for future consideration. However, an illustrative layout plan has been provided to which I have had regard.

Main Issues

3. The main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area;
 - b) the effect on the supply of employment land and premises;
 - c) whether the appeal site is a suitable location for housing; and
 - d) in light of my findings on the above issues and the housing land supply of the Council, whether the proposal would constitute sustainable development.

Reasons

Character and appearance

4. The appeal site lies at the edge of a small cluster of built form at the northern end of Wood Road, near its junction with the former A358. The local area is characterised by dwellings – predominantly bungalows – fronting the road in a single plot depth arrangement. The site lies at the end of a short row of properties and bounds directly onto open countryside. It currently contains three buildings which are located one behind the other. The building nearest the road is an industrial unit whilst those to the rear are agricultural barns.

5. The proposal is to replace these buildings with a scheme of five dwellings. The illustrative site plan shows a series of four large detached properties running lengthways into the site with a fifth unit in the dog-leg to the rear of 2 Wood Road. The development would be served off a new shared access running parallel to the garden boundary for No 2. There is clearly some leeway for adjustment as layout is a reserved matter, but it is likely that any future scheme would take a broadly similar form to that shown, if only to make most efficient use of the site.
6. The dwellings would project into the countryside well beyond the rear garden boundaries of the properties on this side of Wood Road. The resulting layout would have all the attributes of a residential cul-de-sac and this would be at odds with the established linear pattern of development in the immediate locality and harmful to the prevailing character of the area. Although the appellants draw comparisons to the in-depth arrangement of mobile homes at Stewley Cross, this is historic and does not extend into open countryside.
7. It is argued that the development would simply be replacing existing buildings and that the proposal would result in a visual enhancement of the site, its immediate setting and wider landscape character. Whilst I accept that a dwelling on the site frontage might be more attractive than the existing industrial unit, the barns to the rear are unsurprising features in this rural context and they do not appear out of place where they are visible from Wood Road. The proposed residential scheme would have a wholly different and altogether more intrusive character, notwithstanding the opportunities for sympathetic design and materials and landscaping along the countryside boundaries.
8. Accordingly, I conclude that the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policy EQ2 of the South Somerset Local Plan (2006-2028) (SSLP) insofar as it seeks high quality design which reinforces local distinctiveness and reflects local context.

Employment land

9. The appeal site is currently in mixed commercial/agricultural use, with the easternmost part of the site containing an industrial type building and a large hardstanding. The appellant describes this area as a builder's yard and open storage, although I saw no evidence of such activity.
10. Policy EP3 of the SSSLP states that employment land and premises will be safeguarded and planning permission will not be granted for development to alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. The policy requires applicants to submit a marketing statement to show that the site/premises has been actively marketed for a maximum of 18 months or such alternative period as has been agreed.
11. No marketing has been undertaken in this particular case. It is contended that the loss of employment land would be insignificant in the context of the overall requirement for employment sites over the plan period. However, this ignores the sustainability benefits of retaining locally accessible employment opportunities and affordable premises for small and start-up businesses. Such benefits are reflected in the wording of Policy EP3 which focuses upon the supply of employment land/premises *within the settlement* [my emphasis].

12. Paragraph 9.3 of the SSLP states that residential re-use will be supported where it can be demonstrated that there is identified need for additional housing which overrides the economic reasons in favour of retention of the land, or where permitted development rights apply. In the absence of any market testing I consider that the case for housing on the site has not been properly made. Whilst there may be permitted development rights available, prior approval has not been secured and therefore I attach limited weight to any fallback position.
13. It is further argued that re-use of the land and building for alternative employment purposes is unlikely to occur as the appellants would not want to undermine the amenity of their property. I can find no compelling reason why the appeal site would not be suitable for uses within Class B1 which, by definition, can be carried out within a residential area without detriment to the amenity of that area. The appellants have every right as landowners to prevent re-use of the site by a third party but this in itself does not justify releasing the site for housing.
14. Accordingly, I conclude that the proposal would result in an unwarranted loss of employment land and premises in conflict with Policy EP3 of the SSLP.

Whether suitable location for housing

15. The Council's settlement strategy is set out in Policy SS1 of the SSLP. This establishes a settlement hierarchy, with Yeovil identified as the prime focus for development and Market Towns and Rural Centres listed below that. All other Rural Settlements are considered as part of the countryside to which national countryside protection policies apply. Ashill falls into this category.
16. Policy SS2 of the SSLP states that development in Rural Settlements will be strictly controlled and limited to that which provides employment opportunities appropriate to the scale of the settlement; and/or creates or enhances community facilities and services to serve the settlement; and/or meets identified housing need, particularly for affordable housing. The policy does not preclude housing development, and provides some flexibility of approach to take account of the diversity of settlements in this tier of the hierarchy.
17. The supporting text explains that housing should only be located in settlements that contain a range (defined as two or more) of services. Ashill contains a basic core of facilities which include a primary school, village hall, church, public house and recreation ground. It is therefore suitable for housing development which is commensurate with the scale and character of the settlement.
18. In my judgement, the proposal would be reasonably commensurate with the scale of Ashill. However, the appellant does not adequately demonstrate how the proposed housing would meet identified local need. Neither is there any evidence of robust engagement and consultation with the local community. Both factors weigh against the proposal.
19. The Council is concerned that the appeal site is located remote from the village facilities. Occupants of the new dwellings would need to travel approximately 1.3 km to reach the centre of the settlement. Although this distance may discourage some residents from making the journey on foot, there is a pedestrian footway along most of the route and therefore walking is a realistic option. Furthermore, the quiet roads make cycling to the village a practical

alternative. Ilminster is also within cycle range, although I appreciate that this would appeal only to experienced cyclists.

20. There is a bus stop within a 400 m walk of the site from which a service operates four times daily (excluding Sundays) to the higher order settlements of Taunton, Ilminster and Martock. The Council describes this as limited but in a rural context the service is reasonable and residents would have the opportunity to use public transport for at least some trips.
21. Paragraph 55 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. The appeal proposal would be consistent with this strand of national policy, despite there being some conflict with Policy SS2.

Planning balance and conclusion

22. The Council concedes that it cannot demonstrate a five-year supply of housing. Paragraph 49 of the Framework states that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Policies SS1 and SS2 both fall into this category.
23. Paragraph 14 of the Framework explains that where relevant policies of the development plan are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The proposal would make a modest contribution to addressing the Council's shortfall of housing, against the backdrop of national policy to boost significantly the supply of new homes. This would constitute a social benefit of granting planning permission. Economically, the scheme would support employment during the construction phase and over the longer term additional spending would help to support the local services in Ashill. It would also generate monies via the Community Infrastructure Levy. The re-use of previously developed land on part of the site would constitute an environmental benefit.
25. Against these benefits I need to balance the harm to the character and appearance of the area and the loss of employment land and premises. In my judgement, these combined harms would significantly and demonstrably outweigh the benefits set out above. I therefore find that the proposal would not constitute sustainable development in terms of the Framework. It would conflict with the development plan as a whole and there are no material considerations sufficient to justify a departure from adopted planning policy.
26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.30 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	BLACKDOWN	17/02164/FUL	The erection of an extension to existing building to house livestock	Land At Beetham Higher Beetham Whitestaunton	Mr K Parris
15	WHITESTAUNTON	17/02165/FUL	Erection of extension to existing agricultural building to house livestock	Land At Beetham Higher Beetham Whitestaunton	Mr K Parris
16	TATWORTH & FORTON	16/01967/COU	Change of use of land to private gypsy caravan site consisting of 4 No. pitches and associated development	Land OS 5743 The Drift Forton	Michael And Jason Ayres

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

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 Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 14

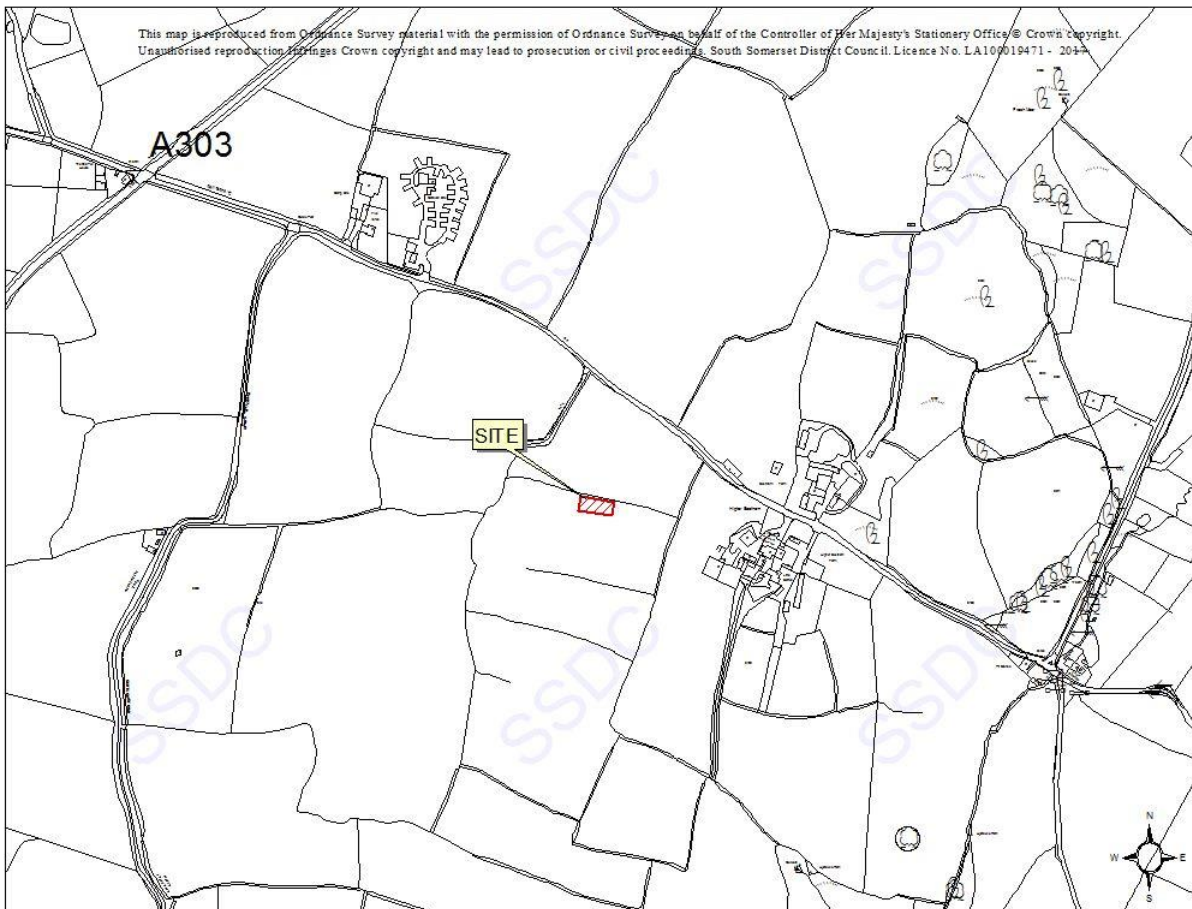
Officer Report On Planning Application: 17/02164/FUL

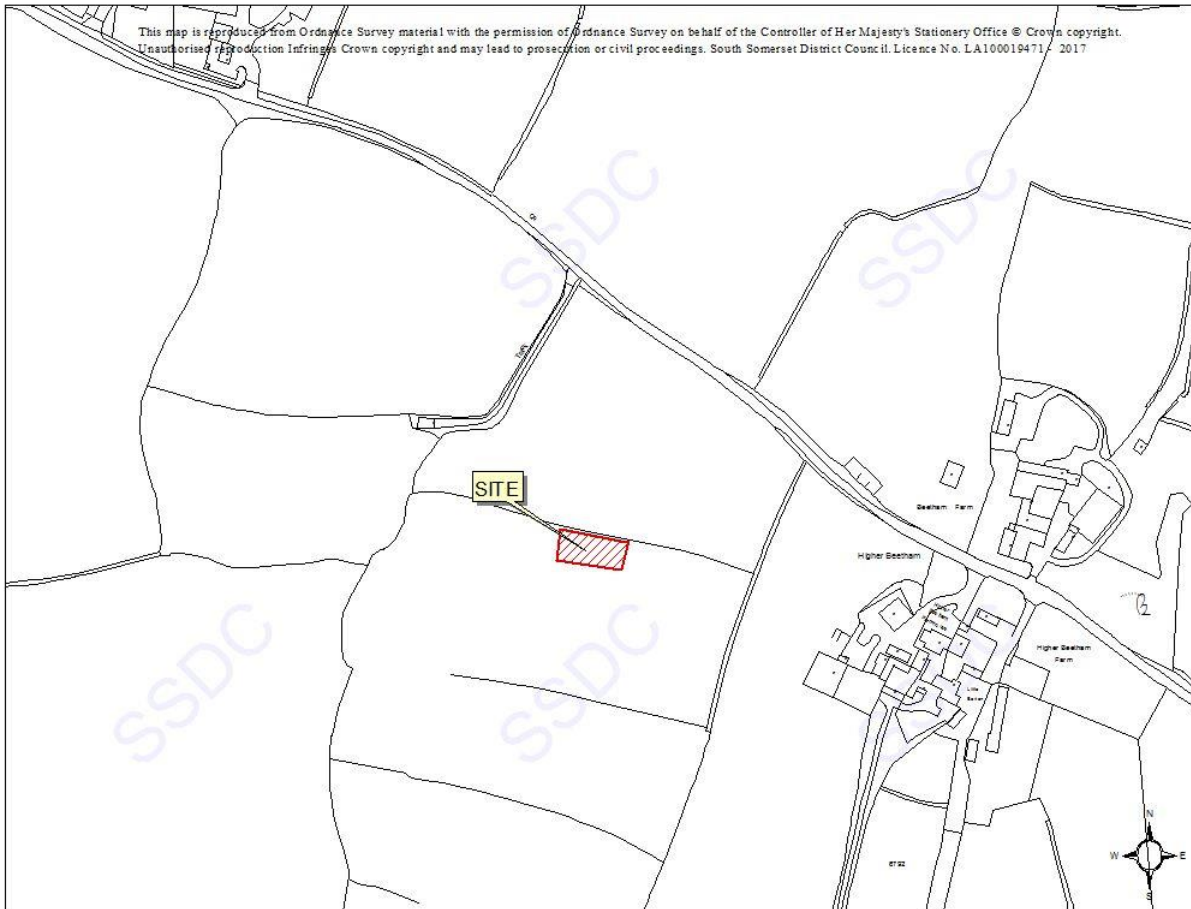
Proposal :	The erection of an extension to existing building to house livestock
Site Address:	Land At Beetham Higher Beetham Whitestaunton
Parish:	Whitestaunton
BLACKDOWN Ward (SSDC Member)	Cllr M Wales
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	13th July 2017
Applicant :	Mr K Parris
Agent: (no agent if blank)	Mr Sheamus Machin Windover Farm Barn Madford Hemyock Cullompton EX15 3QX
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

To allow members to debate issues raised by neighbours such as visual impact and neighbour amenity.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside and is within the Blackdown Hills Area Of Outstanding Natural Beauty (AONB). It is located in the open countryside to the west of Higher Beetham Farm. There are several dwellings approximately 120 metres to the east of the site.

There are two existing agricultural buildings, hardstanding and an access track which were permitted under planning references 17/01722/FUL and 13/03145/FUL. This application seeks consent to extend one of the barns and there is a concurrent application to extend the other barn under reference 17/02165/FUL.

The proposed extension would measure 21 metres in length by 12 metres in width. It would be clad with concrete panels and Yorkshire boarding and an anthracite grey roof. The building would be open fronted with a sheeted gate at one end. The building is proposed to house cattle. The cattle are proposed to be 'loose housed' on bedded straw.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. As established by the previous applications, the applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside the District, to the west near Yarcombe. The applicant states that the building is required to house young cattle during the winter. The applicant wishes to expand the number of cattle on site to allow for expansion while housing all cattle on the site in order to reduce the likelihood of disease transfer.

HISTORY

17/02165/FUL: The erection of an extension to existing building to house livestock- Under consideration.
 17/01722/FUL: The erection of an agricultural building to be used for livestock accommodation and

straw storage.- permitted with conditions.

13/03145/FUL: The erection of an agricultural building (Revised Application of 12/01733/FUL). (GR /FUL: 327552/112007)- Allowed on appeal (Reference 2216466).

12/01733/FUL: Erection of an agricultural building - Refused.

09/04232/FUL: The erection of an agricultural building (Revised Application) - Refused.

08/01978/FUL: The erection of an agricultural building - Application withdrawn.

01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

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,

Relevant Development Plan Documents

South Somerset Local Plan (2006-2028):

EQ2- General Development

TA5- Transport impact of new development

EQ7- Pollution control

Policy-related Material Considerations

National Planning Policy Framework:

Core Planning Principles - Paragraph 17

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Parish Council: No formal Parish Council.

SSDC Landscape Architect:

First response:

These proposals intend a substantial increase in building mass within the site, approaching a doubling of the current footprint. Within a designated landscape, where national policy seeks to protect and enhance the character of the countryside, the potential impact of the projected growth of this farmstead needs to be moderated to ensure there is no significant harm to the local landscape. However, the application provides no landscape assessment of the potential impact of this extent of development, nor offers any landscape mitigation. Nor do I see any level information, and I suspect that a certain amount of cutting-in will be required if the floor levels of the buildings are to tally. In short, there is insufficient information submitted to enable a considered landscape view, and I would advise that additional information is supplied, that provides;

- (a) the theoretical zone of visibility (ZVi);
- (b) site photos where representative public viewpoints are identified within the ZVi;
- (c) a landscape mitigation proposal, and;
- (d) floor levels, and ground modelling proposals.

Second Response (in response to Landscape Visual Appraisal):

Without this information, my initial view is that the site may not have the landscape capacity to accommodate the extent of the new build proposals.

We now have additional information before us, to supplement the planning application. It includes an LVA (landscape and visual impact assessment) which has reviewed the proposed site works against the character of the local landscape; assessed the level of visibility of the proposed building extensions from local receptors; considered potential development options; and suggested site mitigation works.

In looking at site options, the potential to extend the development footprint south through new build was discounted, as this would be in greater evidence. The preferred siting is as submitted, as this arrangement enables the extension to be cut in to the hillside, behind the hedge profile, to help reduce its presence.

Whilst the LVA finds a moderate landscape impact within the site's context, it judges that this impact is not apparent in the wider AONB landscape. In then establishing the theoretical zone of visibility (ZVi) and testing potential viewpoints on the ground (as illustrated by 5 photographs, appendix D) it finds views to be limited and primarily within 400 metres of the site. To counter the perception of where visual effects will likely occur arising from the buildings' extensions, a scheme of mitigation is proposed that;

- (a) cuts the building in, to reduce its visual profile;
- (b) retains the bounding hedgerows at a height of 3 metre minimum, to assist visual containment;
- (c) proposes new hedgerow planting to the west/southwest side of the proposed extensions, to play down prospect of the new build, and;
- (d) include a grass bank on the building's south side, to lessen visibility of the building's profile.

I am satisfied that the LVA now provides the landscape detail to confirm the extent of the new build proposals can be accommodated within the local landscape without undue impact, and I agree the mitigation proposals. The submitted levels and elevations are also helpful in establishing how the new buildings/site relationship will work, however drg 1957/04A should indicate an angle of cut between the hedge and the proposed extension, to reassure that the root system is not compromised by the cutting-in works.

If you are minded to approve the application, please condition details of the proposed hedging.

Blackdown Hills AONB Partnership:

As we have commented previously on applications at this site, I'm not sure why the AONB wasn't consulted, but I picked it up from the weekly list and local press advert.

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

The primary objective of AONB designation is to conserve and enhance natural beauty; one of the reasons for the designation of the Blackdown Hills AONB is that the area has retained a sense of remoteness and is largely unspoilt by modern development. As such the AONB Partnership believes that any development proposal in an isolated location requires very careful consideration of landscape and visual impact, and have regard to necessity, siting, scale, design and environmental considerations in order to conserve and enhance the natural beauty of the area. While the AONB Partnership is sympathetic to the demands of farm businesses operating in the Blackdown Hills, there is a need to balance this with the need to conserve and enhance the special character of the Blackdown Hills.

At the time of the original application we noted our concern that there should be no assumption of further

development at this site should the application be granted, seeing the building as a simple ancillary outpost of the main farm, and mindful that any large modern structure will have an impact on this attractive, unspoilt, rural landscape.

The continued incremental growth of this site is therefore of concern, and these further extensions will result in significant structures with a considerable footprint. The size and scale relative to the holding, the local landscape and the nearby hamlet requires careful consideration.

To this end I would also support the observations made by your Landscape Architect.

County Highway Authority: Standing advice applies.

County Archaeology:

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.

County Rights of Way:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (footpath CH 7/48). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

Any proposed works must not encroach on to the current available width of the footpath.

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

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

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

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

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

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

Environment Agency:

Comments on original application (13/03145/FUL):

Please note that whilst it is outside of the Environment Agency's consultation checklist and therefore we should not be commenting. However, we have no objection to the proposed development, but we have the following advice to ensure that they comply with environmental legislation.

Impact on Water Supply

We note that some issues have been raised about the potential to impact on water supply for human consumption. Your Authority's Environmental Health Officers should lead on this matter.

Drainage

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must 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.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:

<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air/>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they 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.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact our local Environment Management team via 03708 506 506 if you have any queries.

SSDC Environmental Protection: I would recommend that the Environment Agency be consulted with regard to this application. That aside I have no other recommendations.

SSDC Ecologist:

I've considered this application and I don't have any comments or recommendations to make.

SSDC Environmental Monitoring Officer:

Comments under previous application- 17/0122/FUL (September 2016):

The sample taken from the spring indicates very slight faecal contamination of the water due to the presence of a single E.coli and low numbers of coliform bacteria. These results are typical for a spring source.

The sample taken from the tap at Lower Beetham Farmhouse contained a single coliform bacterium but

can be classed as wholesome under the Private Water Supplies Regulations 2016. The single coliform could be the result of contamination from the tap at the time of sampling or be possibly due to the Ultra violet treatment system at the property not functioning at its optimum level.

REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Letters of objection have been received from three nearby dwellings. The following points are made:

- Concerns over visual impact of the building, track and hardstanding and harm to the AONB.
- Lack of justification- the buildings will be larger than required to house cattle grazing on 114 acres.
- Concerns over the scale of the increase in size of the building and the resulting risk of leakage into the local water table affecting domestic water supplies.
- Concerns that conditions attached to the previous consent have not been complied with.
- Concerns over additional vehicular movements.
- Adverse impact on tourists, cyclists, SSSI and local character.
- Inaccuracies within the submitted Landscape Visual Assessment.

CONSIDERATIONS

Principle of Development

The provision of agricultural buildings in the countryside is acceptable in principle, the acceptability being dependant on various considerations such as neighbour amenity, pollution and visual amenity. These issues are assessed against the relevant development plan policies.

Justification:

The proposal is for agricultural development and as such is considered to be acceptable in principle. In this instance the site is deemed to be more sensitive than the average location due to the concerns over the impact on water supply and the location within the Blackdown Hills AONB. The acceptability of the proposal depends on the assessment against the relevant development plan policies.

Landscape Character

The application along with the concurrent application under reference

The Council's Landscape Architect initially raised concerns over the additional development on site on the basis of the additional scale and lack of detail demonstrating that the landscape impact would be acceptable. The applicant since commissioned a Landscape Visual Appraisal (LVA) which concludes a moderate impact but with a visual limited sphere of influence of 400 metres. Furthermore the appraisal proposes various means to mitigate the visual impact as follows:

- (a) cutting the building in,
- (b) retention the existing hedgerows at a height of 3 metre minimum,
- (c) new hedgerow planting to the west/southwest side of the proposed extensions,
- (d) include a grass bank on the building's south side, to lessen visibility of the building's profile.

On the basis of the above, the Landscape Officer concludes that whilst the development is relatively large, it can be acceptably accommodated without undue impact on the appearance of the AONB. There is an indicative plan included within the LVA that illustrates the proposed general location of the hedge and bund to the south of the building. A condition is considered to be a necessary mechanism to secure the details (including cross section) of these details. Subject to this condition it is therefore considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

Local Amenity

The principle issues relate to the impact from noise and odour and the impact on local private water

supplies. These are set out within the relevant sections below:

Noise/odour

The principal considerations relate to the impact on nearby occupiers in relation to general amenity from noise and odours and the impact on private water supplies.

It is accepted that there would be a degree of noise and odour as a result of development. The livestock density can vary, however the applicant has confirmed that the extensions would each accommodate between 50-60 additional cattle. Combined with the existing buildings this would mean approximately 300 cattle housed on the site. It is accepted that this is a relatively high number, however it should be noted that odours from cattle buildings are not generally of the same intensity as those from other livestock operations such as intensive pig and poultry farming and these impacts are expected to a point within the countryside

It is considered that the relatively significant distance to the nearby dwellings of 120 metres is sufficient to limit the impact to an acceptable degree. Furthermore, the Council's Environmental Health department have not objected. It is however considered reasonable in the interests of the amenities of these nearby occupiers to limit the use of the building to ensure use only for cattle and not for other intensive agriculture, such as poultry or pigs. Any future application for consent to relax such a condition could then be assessed on its own merits.

Private water supplies

Under the original application (13/01345/FUL) there was substantial discussion of the impact on the water supplies of nearby properties. There are two spring fed water supplies approximately 400 metres to the south east of the site which supply water to 5 nearby dwellings. This is of particular relevance as the bedrock of the hills is an extensive outcrop of Upper Greensand which has a sandy, porous structure. Water percolates through the Greensand and emerges along the spring line at the above location. There are many properties on the Blackdown Hills with spring fed water supplies.

It is acknowledged that the two current applications would increase significantly the number of cattle that can be housed on site. The concern relates to the potential impact of a pollution incident on the water supply of these nearby dwellings, however it has not been proven either way whether a pollution incident in this location would result in contamination. This could only be ascertained with a reasonable degree of certainty by carrying out a full drainage path investigation which would involve techniques such as dye tracing.

It was considered by the case officer under the previous proposal and by the planning inspector at appeal that pollution can be controlled at source and that this is central to ensuring that these water supplies are not adversely affected. The following paragraphs (18 and 19) of the Inspector's decision are relevant:

"Whilst noting the concerns of local residents, no conclusive evidence was submitted to demonstrate that the new building and its use would adversely impact on private water supplies. Both the On Tap report and the appellant's Drainage Path Study suggest that further investigations would be necessary to identify the sub surface drainage paths from the site in order to fully assess the impact of the building on the private water supplies. Given the nature and scale of the building and that there are mechanisms to control run off from both the building and hardstanding I consider that such investigation would be disproportionate to the nature and scale of the proposal. The concerns relating to seepage of waste and effluent from the building could be addressed through the imposition of suitably worded planning conditions relating to drainage, and also through the detailed design of the front and sides of the building.

Furthermore, I must have regard to the fact that there is a separate regulatory system that controls private water supplies. Private water supplies are tested by the Council and there are measures that can

be taken if the water supply is found to be unsafe. Moreover, the control of waste and drainage provision in relation to agricultural development is controlled and enforced by the Environment Agency. Farmers are required to follow the DEFRA guidance Protecting our Water, Soil and Air - A Code of Good Practice for Farmers, Growers and Land Managers. It must be assumed that the pollution control regimes will be properly applied and enforced. In light of the foregoing, I am satisfied that the new building would not pose a significant risk to the quality of local water supplies. There would therefore be no conflict with the objectives of Policy EP9 of the SSLDF in relation to pollution control".

It is accepted that the additional building will intensify the existing use of the site in terms of the number of cattle that are accommodated. The applicant has stated under this and the previous application that the cattle will be housed in a 'loose bed' system, meaning that cattle will be bedded on straw and being covered there would be minimal dirty water runoff. The manure that is produced is then spread on the land in accordance with usual farming practices.

Whilst the intensity of the use will be increased it is considered that the principles behind the Inspectors comments are equally applicable to this scheme. Matters relating to pollution are controlled by separate legislation and codes of practice which are enforced by the Environment Agency. An adverse impact on local water supply will only be caused where the applicant fails to adhere to the relevant regulations and codes of practice. The Planning Inspector considered that it must be assumed that pollution control regimes are adhered to. Notwithstanding these considerations, given the issues around the greensand geology and situation in relation to private water supplies it is considered that there is a good argument to say that additional controls are put in place such as planning conditions to cover matters such as drainage and restrictions on manure spreading in proximity to the spring.

A condition was included under the previous application to extend the existing building under reference 17/01722/FUL to agree a pollution management plan and included details of the floor construction of the building, the location of manure and slurry spreading and silage storage. The applicant did not apply to discharge this condition prior to constructing the previous extension. Under this application the applicant has stated that no slurry will be generated as the cattle are loose bed housed, the existing and proposed floors are concrete and dirty water drains into a tank located at the eastern end of the buildings. The applicant has further confirmed the locations for manure storage are within three fields in the holding that are the furthest from the site and the nearby spring. A condition is considered reasonable to restrict manure storage to these areas unless otherwise agreed in writing. The applicant has also confirmed that silage will always be wrapped in accordance with best practice guidelines.

In relation to drainage, the applicant has confirmed that the development will link into the existing clean and dirty water system that was approved under the previous application. Notwithstanding this, for the avoidance of doubt as to what the drainage details would comprise, it is considered necessary and reasonable to it is considered necessary and reasonable to include a drainage condition

Subject to the conditions outlined in this report it is considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

SSSI

There is a SSSI located approximately 350 metres to the north of the site. It is considered that there would be no detrimental impact on the SSSI given the significant distance from the proposed building. As such the proposal would comply with policy EQ4 of the South Somerset Local Plan (2006-2028).

Highway Safety

Objections have also been received, raising concern about increased vehicle movements and larger vehicles accessing the site and using what is a relatively narrow lane, which already caters for several residential properties, existing agricultural operations, walkers and users of the neighbouring caravan site.

The proposed building is to be located in a field that already benefits from an existing access and is already used in relation to the agriculture taking place on the land. The proposal will not result in a significant enough increase in vehicular movements to and from the site to warrant refusal on these grounds.

CONCLUSION

Overall, there is considered to be adequate justification for the proposed building and it is also deemed that with an appropriate landscaping scheme, the proposal will not have a detrimental impact on local landscape character and the natural beauty of the AONB. It is also considered that there will be no adverse impact on highway safety or on residential amenity of local residents. As such, it is considered appropriate to recommend approval of the proposed scheme.

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB or the nearby SSSI. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity, highway safety or the local water environment, in accordance with the aims and objectives of saved policies EQ2, EQ7, EQ4 and TA5 of the South Somerset Local Plan (2006-2028) and the relevant sections of the National Planning Policy Framework (2012).

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. Other than as required by condition the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan SM2; 1957(2)/06; 1957(2)/04A; letter dated 9th September; unnumbered document titled 'NVZ report' only.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Prior to their installation, details (including the submission of samples if appropriate) of the materials, colour and finish of the external facing materials for the roof shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policy EQ2 of the South Somerset Local Plan (2006-2028).

04. No development shall be carried out on site unless foul and surface water drainage details (including details of the construction of the floor of the building hereby approved) including dirty water storage to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use and shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the area and to protect the local water environment, in accordance with saved policy EQ7 of the South Somerset Local Plan (2006-2028).

05. No later than the first planting season following substantial completion of the building hereby approved a landscaping scheme shall be completed in accordance with details that shall have been submitted and approved in writing by the Local Planning Authority. The scheme shall include a full specification of new hedgerow planting including maintenance details following completion, full details of the earth bund to be provided in accordance with the submitted Landscape and Visual Impact Statement (including cross sections if appropriate) and details of the angle of cut at the western elevation of the approved development. 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 EQ2 of the South Somerset Local Plan (2006-2028).

06. Silage and manure storage to serve the proposed development shall accord with the details and location referenced within the letter dated 9th of September 2017 and the document titled 'NVZ report' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).

07. No means of external lighting or other illumination shall be installed on or within the building hereby approved or operated on any part of the subject land unless details of all new lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

Reason: In the interests of residential amenity to accord with saved EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must 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.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery
- Oils/chemicals and materials

- The use and routing of plant and vehicles
- The location and form of work and storage areas and compounds
- The control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:
<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at:
<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they 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.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact the Environment Agency's local Environment Management team via 03708 506 506 if you have any queries.

Agenda Item 15

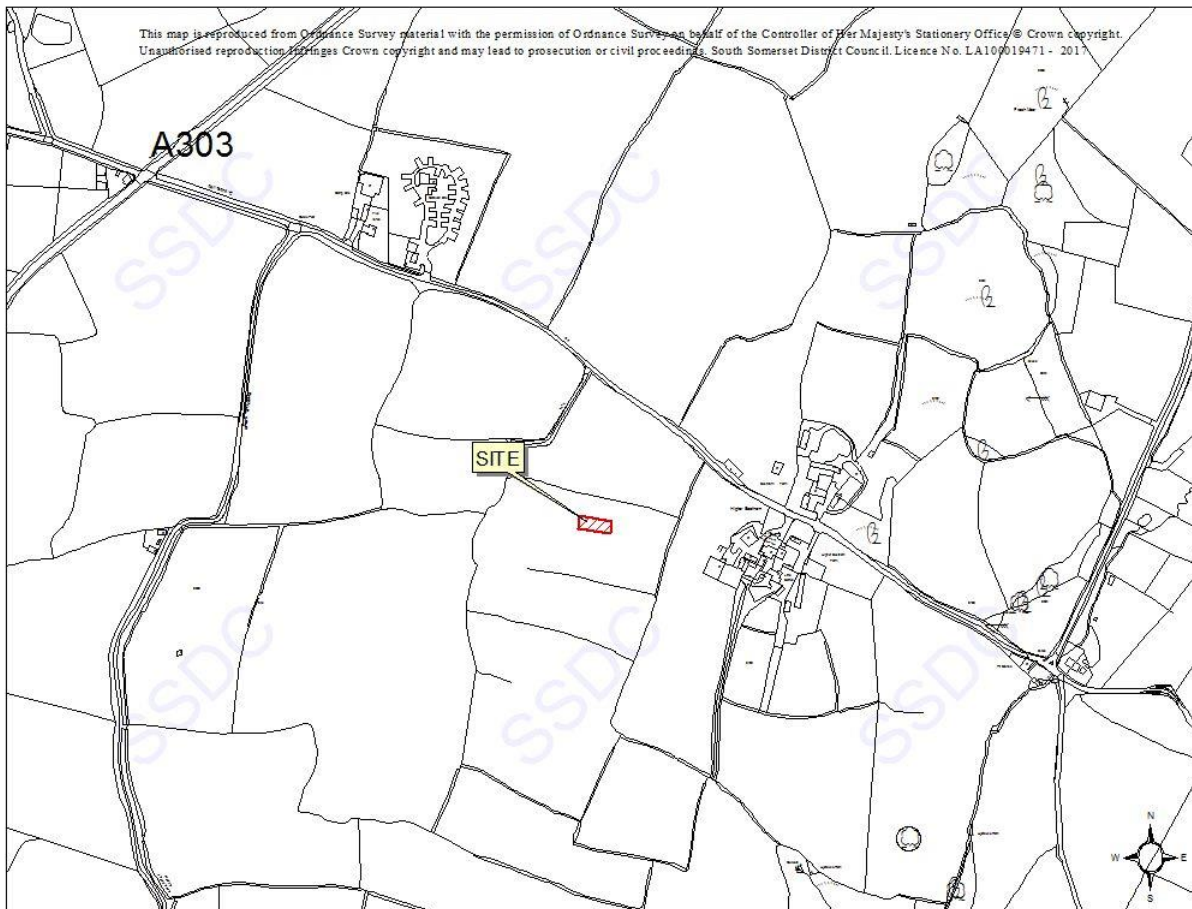
Officer Report On Planning Application: 17/02165/FUL

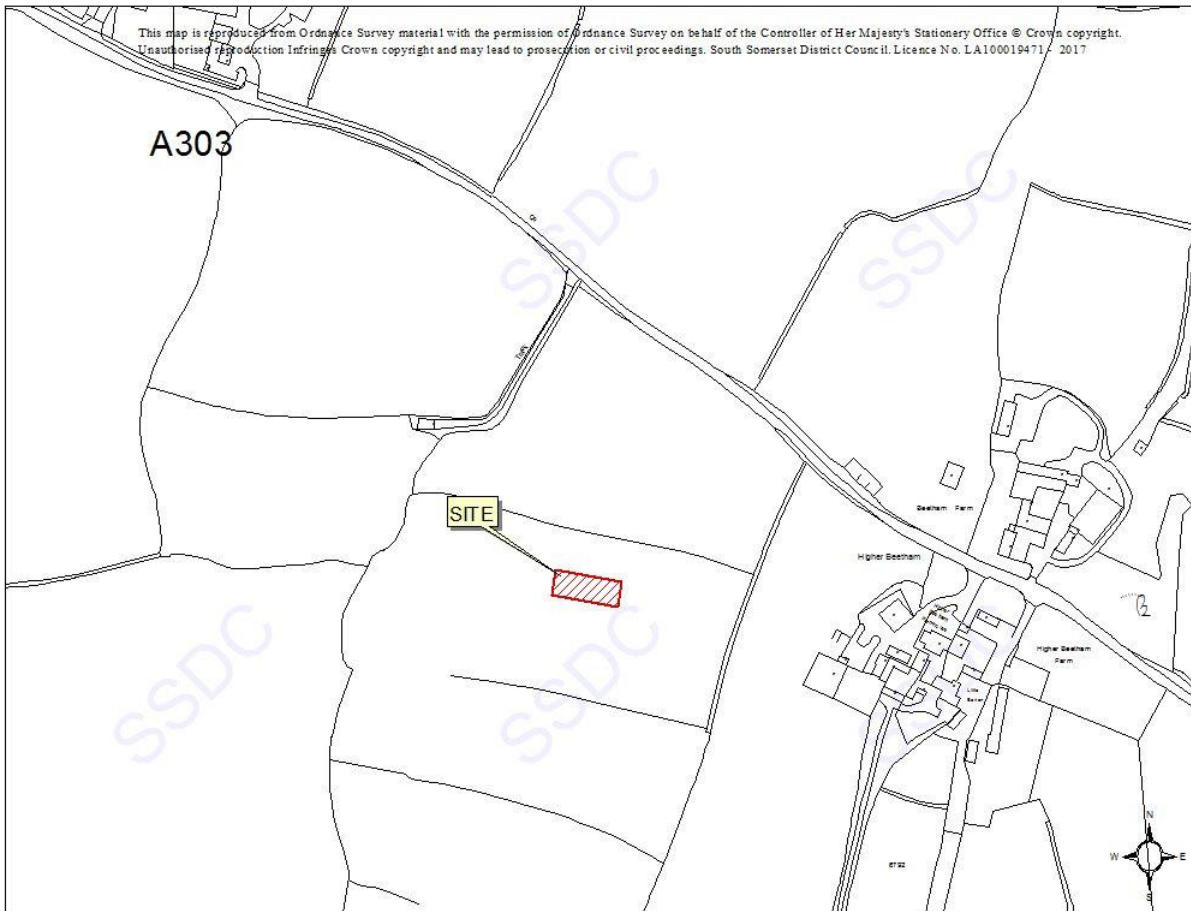
Proposal :	Erection of extension to existing agricultural building to house livestock
Site Address:	Land At Beetham Higher Beetham Whitestaunton
Parish:	Whitestaunton
BLACKDOWN Ward (SSDC Member)	Cllr M Wales
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	13th July 2017
Applicant :	Mr K Parris
Agent: (no agent if blank)	Mr Sheamus Machin Windover Farm Barn Madford Hemyock Cullompton EX15 3QX
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

To allow members to debate issues raised by neighbours such as visual impact and neighbour amenity.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside and is within the Blackdown Hills Area Of Outstanding Natural Beauty (AONB). It is located in the open countryside to the west of Higher Beetham Farm. There are several dwellings approximately 120 metres to the east of the site.

There are two existing agricultural buildings, hardstanding and an access track which were permitted under planning references 17/01722/FUL and 13/03145/FUL. This application seeks consent to extend one of the barns and there is a concurrent application to extend the other barn under reference 17/02164/FUL.

The proposed extension would measure 21 metres in length by 12 metres in width. It would be clad with concrete panels and Yorkshire boarding and an anthracite grey roof. The building would be open fronted with a sheeted gate at one end. The building is proposed to house cattle. The cattle are proposed to be 'loose housed' on bedded straw.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. As established by the previous applications, the applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside the District, to the west near Yarcombe. The applicant states that the building is required to house young cattle during the winter. The applicant wishes to expand the number of cattle on site to allow for expansion while housing all cattle on the site in order to reduce the likelihood of disease transfer.

HISTORY

17/02165/FUL: The erection of an extension to existing building to house livestock- Under consideration.
 17/01722/FUL: The erection of an agricultural building to be used for livestock accommodation and straw storage.- permitted with conditions.

13/03145/FUL: The erection of an agricultural building (Revised Application of 12/01733/FUL). (GR /FUL: 327552/112007)- Allowed on appeal (Reference 2216466).

12/01733/FUL: Erection of an agricultural building - Refused.

09/04232/FUL: The erection of an agricultural building (Revised Application) - Refused.

08/01978/FUL: The erection of an agricultural building - Application withdrawn.

01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

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,

Relevant Development Plan Documents

South Somerset Local Plan (2006-2028):

EQ2- General Development

TA5- Transport impact of new development

EQ7- Pollution control

Policy-related Material Considerations

National Planning Policy Framework:

Core Planning Principles - Paragraph 17

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

CONSULTATIONS

Parish Council: No formal Parish Council.

SSDC Landscape Architect:

First response:

These proposals intend a substantial increase in building mass within the site, approaching a doubling of the current footprint. Within a designated landscape, where national policy seeks to protect and enhance the character of the countryside, the potential impact of the projected growth of this farmstead needs to be moderated to ensure there is no significant harm to the local landscape. However, the application provides no landscape assessment of the potential impact of this extent of development, nor offers any landscape mitigation. Nor do I see any level information, and I suspect that a certain amount of cutting-in will be required if the floor levels of the buildings are to tally. In short, there is insufficient information submitted to enable a considered landscape view, and I would advise that additional information is supplied, that provides;

- (a) the theoretical zone of visibility (ZVi);
- (b) site photos where representative public viewpoints are identified within the ZVi;
- (c) a landscape mitigation proposal, and;
- (d) floor levels, and ground modelling proposals.

Second Response (in response to Landscape Visual Appraisal):

Without this information, my initial view is that the site may not have the landscape capacity to accommodate the extent of the new build proposals.

We now have additional information before us, to supplement the planning application. It includes an LVA (landscape and visual impact assessment) which has reviewed the proposed site works against the character of the local landscape; assessed the level of visibility of the proposed building extensions from local receptors; considered potential development options; and suggested site mitigation works.

In looking at site options, the potential to extend the development footprint south through new build was discounted, as this would be in greater evidence. The preferred siting is as submitted, as this arrangement enables the extension to be cut in to the hillside, behind the hedge profile, to help reduce its presence.

Whilst the LVA finds a moderate landscape impact within the site's context, it judges that this impact is not apparent in the wider AONB landscape. In then establishing the theoretical zone of visibility (ZVi) and testing potential viewpoints on the ground (as illustrated by 5 photographs, appendix D) it finds views to be limited and primarily within 400 metres of the site. To counter the perception of where visual effects will likely occur arising from the buildings' extensions, a scheme of mitigation is proposed that;

- (a) cuts the building in, to reduce its visual profile;
- (b) retains the bounding hedgerows at a height of 3 metre minimum, to assist visual containment;
- (c) proposes new hedgerow planting to the west/southwest side of the proposed extensions, to play down prospect of the new build, and;
- (d) include a grass bank on the building's south side, to lessen visibility of the building's profile.

I am satisfied that the LVA now provides the landscape detail to confirm the extent of the new build proposals can be accommodated within the local landscape without undue impact, and I agree the mitigation proposals. The submitted levels and elevations are also helpful in establishing how the new buildings/site relationship will work, however drg 1957/04A should indicate an angle of cut between the hedge and the proposed extension, to reassure that the root system is not compromised by the cutting-in works.

If you are minded to approve the application, please condition details of the proposed hedging.

Blackdown Hills AONB Partnership:

As we have commented previously on applications at this site, I'm not sure why the AONB wasn't consulted, but I picked it up from the weekly list and local press advert.

The Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

The primary objective of AONB designation is to conserve and enhance natural beauty; one of the reasons for the designation of the Blackdown Hills AONB is that the area has retained a sense of remoteness and is largely unspoilt by modern development. As such the AONB Partnership believes that any development proposal in an isolated location requires very careful consideration of landscape and visual impact, and have regard to necessity, siting, scale, design and environmental considerations in order to conserve and enhance the natural beauty of the area. While the AONB Partnership is sympathetic to the demands of farm businesses operating in the Blackdown Hills, there is a need to balance this with the need to conserve and enhance the special character of the Blackdown Hills.

At the time of the original application we noted our concern that there should be no assumption of further

development at this site should the application be granted, seeing the building as a simple ancillary outpost of the main farm, and mindful that any large modern structure will have an impact on this attractive, unspoilt, rural landscape.

The continued incremental growth of this site is therefore of concern, and these further extensions will result in significant structures with a considerable footprint. The size and scale relative to the holding, the local landscape and the nearby hamlet requires careful consideration.

To this end I would also support the observations made by your Landscape Architect.

County Highway Authority: Standing advice applies.

County Archaeology:

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.

County Rights of Way:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site at the present time (footpath CH 7/48). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

Any proposed works must not encroach on to the current available width of the footpath.

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

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

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

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

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

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

Environment Agency:

Comments on previous application:

Please note that whilst it is outside of the Environment Agency's consultation checklist and therefore we should not be commenting. However, we have no objection to the proposed development, but we have the following advice to ensure that they comply with environmental legislation.

Impact on Water Supply

We note that some issues have been raised about the potential to impact on water supply for human consumption. Your Authority's Environmental Health Officers should lead on this matter.

Drainage

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must 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.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at: <http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:

<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air/>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they 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.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact our local Environment Management team via 03708 506 506 if you have any queries. SSSC Environmental Protection: I would recommend that the Environment Agency be consulted with regard to this application. That aside I have no other recommendations.

National Grid-

No comments received.

SSDC Ecologist:

I've considered this application and I don't have any comments or recommendations to make.

SSDC Environmental Monitoring Officer:

Comments under previous application- 17/0122/FUL (September 2016):

The sample taken from the spring indicates very slight faecal contamination of the water due to the presence of a single E.coli and low numbers of coliform bacteria. These results are typical for a spring source.

The sample taken from the tap at Lower Beetham Farmhouse contained a single coliform bacterium but can be classed as wholesome under the Private Water Supplies Regulations 2016. The single coliform could be the result of contamination from the tap at the time of sampling or be possibly due to the Ultra violet treatment system at the property not functioning at its optimum level.

REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Letters have been received from 6 nearby neighbours objecting to the proposals. The following points are made:

- Concerns over visual impact of the building, track and hardstanding and harm to the AONB.
- Lack of justification- the buildings will be larger than required to house cattle grazing on 114 acres.
- Concerns over the scale of the increase in size of the building and the resulting risk of leakage into the local water table affecting domestic water supplies.
- Concerns that conditions attached to the previous consent have not been complied with.
- Concerns over additional vehicular movements.
- Adverse impact on tourists, cyclists, SSSI and local character.
- Inaccuracies within the submitted Landscape Visual Assessment.

CONSIDERATIONS

Principle of Development

The provision of agricultural buildings in the countryside is acceptable in principle, the acceptability being dependant on various considerations such as neighbour amenity, pollution and visual amenity. These issues are assessed against the relevant development plan policies.

Justification:

The proposal is for agricultural development and as such is considered to be acceptable in principle. In this instance the site is deemed to be more sensitive than the average location due to the concerns over the impact on water supply and the location within the Blackdown Hills AONB.

It is accepted that the needs of an agricultural business changes and evolves over time. Under the original application the applicant had stated that the

Landscape Character

The application along with the concurrent application under reference

The Council's Landscape Architect initially raised concerns over the additional development on site on the basis of the additional scale and lack of detail demonstrating that the landscape impact would be acceptable. The applicant since commissioned a Landscape Visual Appraisal (LVA) which concludes a moderate impact but with a visual limited sphere of influence of 400 metres. Furthermore the appraisal proposes various means to mitigate the visual impact as follows:

- (a) cutting the building in,
- (b) retention the existing hedgerows at a height of 3 metre minimum,
- (c) new hedgerow planting to the west/southwest side of the proposed extensions,
- (d) include a grass bank on the building's south side, to lessen visibility of the building's profile.

On the basis of the above, the Landscape Officer concludes that whilst the development is relatively large, it can be acceptably accommodated without undue impact on the appearance of the AONB. There is an indicative plan included within the LVA that illustrates the proposed general location of the hedge and bund to the south of the building. A condition is considered to be a necessary mechanism to secure the details (including cross section) of these details. Subject to this condition it is therefore considered

that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

Local Amenity

The principle issues relate to the impact from noise and odour and the impact on local private water supplies. These are set out within the relevant sections below:

Noise/odour

The principal considerations relate to the impact on nearby occupiers in relation to general amenity from noise and odours and the impact on private water supplies.

It is accepted that there would be a degree of noise and odour as a result of development. The livestock density can vary, however the applicant has confirmed that the extensions would each accommodate between 50-60 additional cattle. Combined with the existing buildings this would mean approximately 300 cattle housed on the site. It is accepted that this is a relatively high number, however it should be noted that odours from cattle buildings are not generally of the same intensity as those from other livestock operations such as intensive pig and poultry farming and these impacts are expected to a point within the countryside.

It is considered that the relatively significant distance to the nearby dwellings of 120 metres is sufficient to limit the impact to an acceptable degree. Furthermore, the Council's Environmental Health department have not objected. It is however considered reasonable in the interests of the amenities of these nearby occupiers to limit the use of the building to ensure use only for cattle and not for other intensive agriculture, such as poultry or pigs. Any future application for consent to relax such a condition could then be assessed on its own merits.

Private water supplies

Under the original application (13/01345/FUL) there was substantial discussion of the impact on the water supplies of nearby properties. There are two spring fed water supplies approximately 400 metres to the south east of the site which supply water to 5 nearby dwellings. This is of particular relevance as the bedrock of the hills is an extensive outcrop of Upper Greensand which has a sandy, porous structure. Water percolates through the Greensand and emerges along the spring line at the above location. There are many properties on the Blackdown Hills with spring fed water supplies.

It is acknowledged that the two current applications would increase significantly the number of cattle that can be housed on site. The concern relates to the potential impact of a pollution incident on the water supply of these nearby dwellings, however it has not been proven either way whether a pollution incident in this location would result in contamination. This could only be ascertained with a reasonable degree of certainty by carrying out a full drainage path investigation which would involve techniques such as dye tracing.

It was considered by the case officer under the previous proposal and by the planning inspector at appeal that pollution can be controlled at source and that this is central to ensuring that these water supplies are not adversely affected. The following paragraphs (18 and 19) of the Inspectors decision are relevant:

"Whilst noting the concerns of local residents, no conclusive evidence was submitted to demonstrate that the new building and its use would adversely impact on private water supplies. Both the On Tap report and the appellant's Drainage Path Study suggest that further investigations would be necessary to identify the sub surface drainage paths from the site in order to fully assess the impact of the building on the private water supplies. Given the nature and scale of the building and that there are mechanisms to control run off from both the building and hardstanding I consider that such investigation would be disproportionate to the nature and scale of the proposal. The concerns relating to seepage of waste and effluent from the building could be addressed through the imposition of suitably worded planning conditions relating to drainage, and also through the detailed design of the front and sides of the

building.

Furthermore, I must have regard to the fact that there is a separate regulatory system that controls private water supplies. Private water supplies are tested by the Council and there are measures that can be taken if the water supply is found to be unsafe. Moreover, the control of waste and drainage provision in relation to agricultural development is controlled and enforced by the Environment Agency. Farmers are required to follow the DEFRA guidance Protecting our Water, Soil and Air - A Code of Good Practice for Farmers, Growers and Land Managers. It must be assumed that the pollution control regimes will be properly applied and enforced. In light of the foregoing, I am satisfied that the new building would not pose a significant risk to the quality of local water supplies. There would therefore be no conflict with the objectives of Policy EP9 of the SSLDF in relation to pollution control".

It is accepted that the additional building will intensify the existing use of the site in terms of the number of cattle that are accommodated. The applicant has stated under this and the previous application that the cattle will be housed in a 'loose bed' system, meaning that cattle will be bedded on straw and being covered there would be minimal dirty water runoff. The manure that is produced is then spread on the land in accordance with usual farming practices.

Whilst the intensity of the use will be increased it is considered that the principles behind the Inspectors comments are equally applicable to this scheme. Matters relating to pollution are controlled by separate legislation and codes of practice which are enforced by the Environment Agency. An adverse impact on local water supply will only be caused where the applicant fails to adhere to the relevant regulations and codes of practice. The Planning Inspector considered that it must be assumed that pollution control regimes are adhered to. Notwithstanding these considerations, given the issues around the greensand geology and situation in relation to private water supplies it is considered that there is a good argument to say that additional controls are put in place such as planning conditions to cover matters such as drainage and restrictions on manure spreading in proximity to the spring.

A condition was included under the previous application to extend the existing building under reference 17/01722/FUL to agree a pollution management plan and included details of the floor construction of the building, the location of manure and slurry spreading and silage storage. The applicant did not apply to discharge this condition prior to constructing the previous extension. Under this application the applicant has stated that no slurry will be generated as the cattle are loose bed housed, the existing and proposed floors are concrete and dirty water drains into a tank located at the eastern end of the buildings. The applicant has further confirmed the locations for manure storage are within three fields in the holding that are the furthest from the site and the nearby spring. A condition is considered reasonable to restrict manure storage to these areas unless otherwise agreed in writing. The applicant has also confirmed that silage will always be wrapped in accordance with best practice guidelines.

In relation to drainage, the applicant has confirmed that the development will link into the existing clean and dirty water system that was approved under the previous application. Notwithstanding this, for the avoidance of doubt as to what the drainage details would comprise, it is considered necessary and reasonable to it is considered necessary and reasonable to include a drainage condition

Subject to the conditions outlined in this report it is considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

SSSI

There is a SSSI located approximately 350 metres to the north of the site. It is considered that there would be no detrimental impact on the SSSI given the significant distance from the proposed building. As such the proposal would comply with policy EQ4 of the South Somerset Local Plan (2006-2028).

Highway Safety

Objections have also been received, raising concern about increased vehicle movements and larger vehicles accessing the site and using what is a relatively narrow lane, which already caters for several residential properties, existing agricultural operations, walkers and users of the neighbouring caravan site.

The proposed building is to be located in a field that already benefits from an existing access and is already used in relation to the agriculture taking place on the land. The proposal will not result in a significant enough increase in vehicular movements to and from the site to warrant refusal on these grounds.

Conclusion

Overall, there is considered to be adequate justification for the proposed building and it is also deemed that with an appropriate landscaping scheme, the proposal will not have a detrimental impact on local landscape character and the natural beauty of the AONB. It is also considered that there will be no adverse impact on highway safety or on residential amenity of local residents. As such, it is considered appropriate to recommend approval of the proposed scheme.

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB or the nearby SSSI. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity, highway safety or the local water environment, in accordance with the aims and objectives of saved policies EQ2, EQ7, EQ4 and TA5 of the South Somerset Local Plan (2006-2028) and the relevant sections of the National Planning Policy Framework (2012).

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. Other than as required by condition the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan SM2; 1957(2)/06; 1957(2)/04A; letter dated 9th September; unnumbered document titled 'NVZ report' only.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. The development hereby permitted shall not be commenced until particulars (including the submission of samples if appropriate) of the colour and finish of the external facing materials for the roof has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policy EQ2 of the South Somerset Local Plan (2006-2028).

04. No development shall be carried out on site unless foul and surface water drainage details (including details of the construction of the floor of the building hereby approved) including dirty water storage to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and

become fully operational before the development hereby permitted is first brought into use and shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the area and to protect the local water environment, in accordance with saved policy EQ7 of the South Somerset Local Plan (2006-2028).

05. No later than the first planting season following substantial completion of the building hereby approved a landscaping scheme shall be completed in accordance with details that shall have been submitted and approved in writing by the Local Planning Authority. The scheme shall include a full specification of new hedgerow planting including maintenance details following completion, full details of the earth bund to be provided in accordance with the submitted Landscape and Visual Impact Statement (including cross sections if appropriate) and details of the angle of cut at the western elevation of the approved development. 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 EQ2 of the South Somerset Local Plan (2006-2028).

06. Silage and manure storage to serve the proposed development shall accord with the details and location referenced within the letter dated 9th of September 2017 and the document titled 'NVZ report' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).

07. No means of external lighting or other illumination shall be installed on or within the building hereby approved or operated on any part of the subject land unless details of all new lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

Reason: In the interests of residential amenity to accord with saved EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. Drainage

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must 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.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery
- Oils/chemicals and materials
- The use and routing of plant and vehicles
- The location and form of work and storage areas and compounds
- The control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:
<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at:
<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they 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.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact the Environment Agency's local Environment Management team via 03708 506 506 if you have any queries.

Agenda Item 16

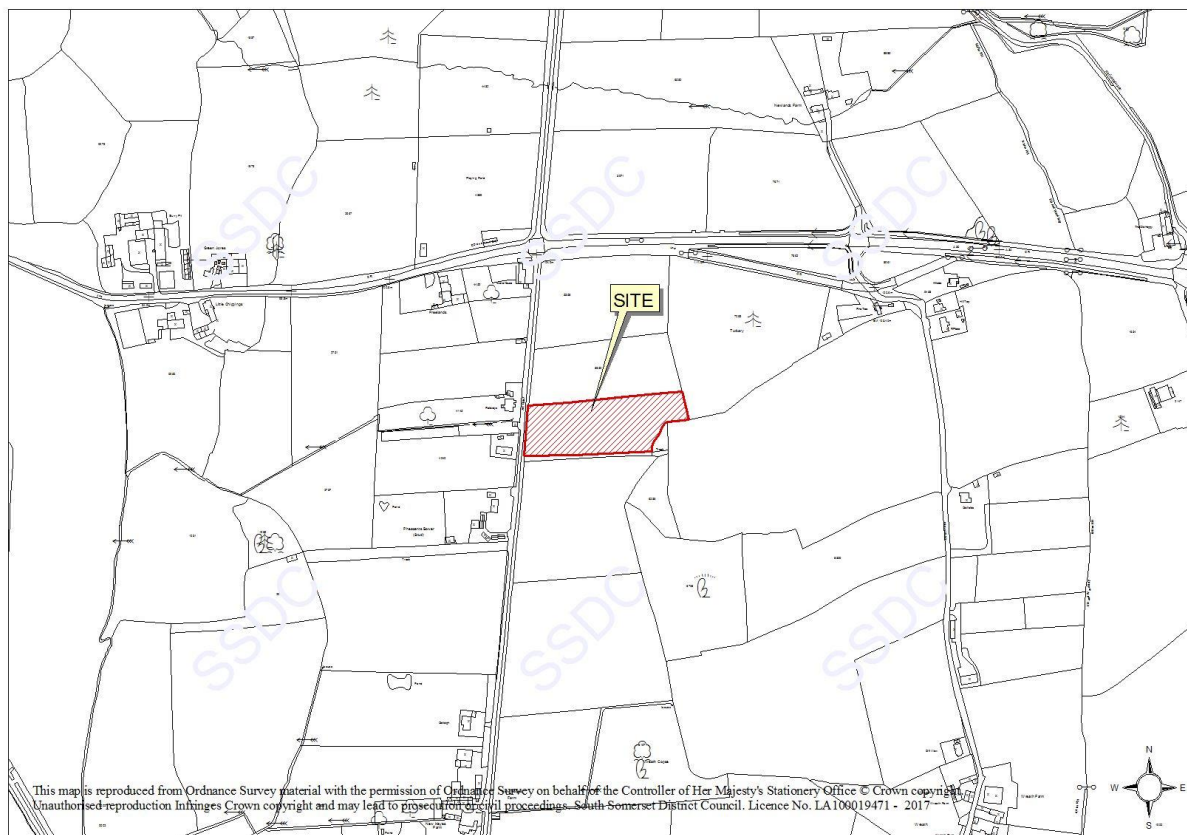
Officer Report On Planning Application: 16/01967/COU

Proposal :	Change of use of land to private gypsy caravan site consisting of 4 No. pitches and associated development
Site Address:	Land OS 5743 The Drift Forton
Parish:	Tatworth and Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Andrew Gunn – Area West Team Leader
Target date :	6th July 2016
Applicant :	Michael And Jason Ayres
Agent: (no agent if blank)	Mrs Maggie Smith-Bendell 1 Bradley Lane Ashcott TA7 9RD
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

To allow the issue of the principle of development and highway safety to be considered further.

SITE DESCRIPTION AND PROPOSAL





The application site is located approximately 2 km from the centre of Chard, on the southern side of the A30. The site lies on the eastern side of the access track known as 'The Drift', 200 metres from its junction with the A30. The site is rectangular in form measuring 170 metres x 60 metres. Access to the site is gained via a track that runs off The Drift which runs along the southern side of the site. The Drift was established at the time of the "enclosures" in the 19th century to give local farmers access to their newly-created fields.

The site currently comprises a mixed range of uses/buildings with outbuildings, a caravan and day room, a consolidated access/internal access drive and timber boarded boundary fencing in the first third (western end) of the site. The central part of the site is wooded and grassed whilst the far eastern section of the site comprises largely an area of hardstanding with an agricultural building and an assortment of building related materials.

Some of the buildings and structures formed part of a planning permission granted in 2002 in connection with an agricultural use of the site. More recently, a Certificate of Lawfulness was granted in 2013 for the change of use of land for the siting of a caravan for storage and occasional residential accommodation in connection with an agricultural use on site.

The application seeks consent for the change of use of the land to 4 gypsy and traveller pitches. 2 of the pitches will be located at the western end of the site where permission was granted for a caravan in connection with a previous agricultural use. The 2 other pitches at the eastern end of the site are located on the area of existing hardstanding. Each of the pitches will comprise a mobile home, a touring caravan, a day room and parking area. A play area will be provided for each of the 2 separate areas. Access will be gained via a track off The Drift on the southern side of the site.

The agent has outlined that the applicants are two brothers Michael and Jason Ayres. They are gypsies who have a long established family connection with the local area. Their grandparents lived on the gypsy site at Ilton, which has been owned by the Council for a number of years. Michael was

born on the Ilton site. The family are now seeking a permanent base from which to access health and education services and a base from which to travel to earn their respective livings.

HISTORY

02/03059/FUL - Erection of fencing and outbuildings, and the formation of hardstanding (approved 2003).

13/00860/COL - Application for a Certificate of Lawfulness for the proposed change of use of land for the siting of caravan for storage and occasional residential accommodation in connection with agricultural activities on the land (approved 2013).

The caravan referred to in the above application is sited on the western part of the current application site. Consent was not granted for the permanent siting of the caravan, rather it could remain whilst the related agricultural use continued but required to be removed as soon as reasonably practicable once the agricultural uses have ceased.

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,

Relevant Development Plan Documents

South Somerset Local Plan (adopted 2015)

SD1 - Sustainable Development

HG7 - Gypsies, Travellers and Travelling Showpeople.

TA5 - Transport Impact of New Development

EQ2 - General Development

Policy-related Material Considerations

Planning Policy for Traveller Sites

CONSULTATIONS

Tatworth Parish Council:

Recommend Refusal for the following reasons:

WATER SUPPLY - All of the properties in The Drift and Wreath are dependent on bore, spring and well water. Several of these wells dry up in hot weather. Four Gypsy families would also need to take their water from the same source. This would put strain on the supply both for existing residents and the Gypsy families.

CONTAMINATION - Waste water and septic tank effluent near a water course can cause contamination. As the ground is clay and green-sand 250mm below the surface, this is highly likely. As with the water supply, this would put a strain on the current infrastructure both for existing residents and the Gypsy families.

FLOODING - The Drift and surrounding ditches flood on a regular basis. Creating large areas of hard standing on the proposed site would only exacerbate the situation. Water run-off from site as it is on a hill.

ECOLOGY - There would appear to have been no Ecological survey carried out on the site. There is evidence of bats, badgers, owls and slow-worms in the area.

ACCESS - The Drift is no more than a certified footpath which is maintained by the residents and is not suitable for 4 wheeled vehicles. The access off the A30 is difficult. The added traffic movement if the site did go ahead would damage the footpath further. Large vehicles already have a problem negotiating the track and there are no turning places.

PLANNING RULES - There should be two entrances/exits but there is only one.

The scale of development is out of character.

It is not clear if it's for transit use or permanent use.

This will increase traffic on footpath - it's only 2 metres wide - not suitable for larger vans or caravans.

It will dominate the character of the area - scale and development.

Not near local amenities which will increase the vehicle usage of the footpath.

No water for a fire hydrant.

No parking for visitors and insufficient space to turn vehicles.

Removing trees from the site will damage the ecology of the site and could exacerbate flooding.

Existing footpath is not suitable for extra vehicles.

Below are summaries of the responses received from consultees. The full responses are available on the planning file/website.

Highway Authority: (summary)

No objection raised subject to 3 conditions in regard to the construction of a properly consolidated access, disposal of surface water to prevent discharge onto the highway and keeping parking and turning clear of obstruction. They are satisfied that the development would not result in an adverse traffic impact and that there is sufficient visibility at the junction of The Drift with the A30. They did seek information regarding the amount of movements associated with the touring caravans due to the single width nature of The Drift.

Officer comment: In respect of the touring caravan movements, the agent advised that given the weekly or longer periods away from the site, use of the Drift by touring caravans would only be infrequent and low level. On this basis, the Highway Officer was satisfied that this would not create an adverse highway impact.

County Rights of Way:

The officer confirms that a public right of way runs along the proposed vehicular access. No objection is raised to the proposal. Advice is offered in respect of maintaining the health and safety of users of the footpath during development works and that it is not SCC's responsibility to repair any damage that may occur to the footpath during works.

It is also confirmed that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

Landscape Officer:

The site is already characterised by structural forms and currently has an access and internal track. It is visually contained and defined by bounding hedgerows and groups of trees. Pockets of development and built form including residential development exist along The Drift and provide a context for low intensity development. If there is an acceptable case, the level of landscape impact of this proposal is no more than a minimum. Thus, no case for an over-riding landscape objection.

Natural England:

No objection. Advise that the application area includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. In such locations, if

significant harm resulting from a development cannot be avoided or adequately mitigated, planning permission should be refused. Advise the LPA to seek their own specialist ecological advice on the environmental impacts of the development.

Ecologist:

No objection raised but recommends retention of the woodland area as woodland habitat to retain the integrity of the local ecological network. This will allow for the sustainable management of the woodland but prevent any permanent removal/conversion of the woodland to pasture or other open habitat.

REPRESENTATIONS

26 letters/emails have been received objecting to the application. A summary of the main points are outlined below:

- Highway safety - narrow track to access the site
- The A30 is a fast, busy road
- Not suitable for additional traffic, particularly for larger vehicles
- Caravans would harm the physical condition of the Drift
- Lack of turning area within the site
- Parking for visitors?
- Water supply issues - water supplied via a spring - with no mains or sewerage in the area.
- Additional 30/40 people could not be supported by the current water supply.
- Risk of contamination of the water supply
- Concern about use and location of septic tank
- Risk of flooding - the ditch becomes full and overflows into gardens
- Additional areas of hardstanding would increase flood risk
- Harmful impact to ecology
- Not in a sustainable location - distance from services and facilities.
- The development does not meet the design criteria for gypsy sites - only 1 access.
- Harmful to the visual character of the area
- Character of area would be changed by up to 40 people.
- Additional noise and impact on residential amenity.
- Would set a precedent for more caravans
- Previous residential applications in the 1960s and 1980's have been refused in the past.
- Removal /loss of residential agricultural land should be marketed.

A couple of letters have also been received from a solicitor acting on behalf of a number of local residents. The solicitor has referred to a number of different issues covering access rights to use the Drift, ownership and rights of way over The Drift and access track, and points raised previously by third parties as outlined above.

2 letters of support has been received from the previous owners of the land, outlining that they have known the family for three generations and would be happy to have them as neighbours if they decided to live next to them. Moreover, they can't see a better use of the land and cannot see any problems would arise from the development and an asset to the community. They also state that they have never seen the site flood, the ditches can be cleared to deal with surface water, never had a shortage of water in regard to the bore holes/spring and that there is adequate parking for people to park on site.

CONSIDERATIONS

Gypsy status

The applicant's agent has stated that the applicants are 2 brothers with strong gypsy family connections to the area. In particular, their grandparents lived on the now Council owned gypsy site at Ilton and their parents lived for many years on the same site. Moreover, one of the applicant's was

born on the Ilton site. The applicants are now seeking a permanent base with which to access health and education services and a base from which to travel to earn their respective livings. The agent is a well respected Romany gypsy liaison officer and knows many of the local gypsy families. For these reasons, the Council accepts the gypsy status of the applicants.

Need for pitches

The Council works collaboratively with the other Somerset District Councils to assess the need for gypsy and traveller pitches. The Gypsy and Traveller Accommodation Assessment report sets out the need for pitches. A target of 23 pitches has been identified for South Somerset between 2013-2028. 18 pitches have been approved to date. Therefore, whilst the Council is making good progress towards meeting its pitch target, it should be noted that this is not a maximum figure. Moreover, the fact that an applicant is seeking permission, signifies a need for pitches.

Highways

The Highway Authority did not raise any objection to the application concluding that the visibility at the junction of The Drift with the A30 is acceptable. In addition, given the level of use, the development would not result in an adverse traffic impact. Given the single vehicle width of The Drift, additional information was sought regarding the amount of movements associated with touring caravans. The agent advised that given the weekly or longer periods away from the site, use of the Drift by touring caravans would only be infrequent and low level. On this basis, it is concluded that the use of the Drift by touring caravans would not create an adverse highway impact.

Concern has been raised that inadequate parking has been provided on the site. However, having visited the site, it is considered that sufficient parking areas have been provided within each pitch.

Access Rights/ Vehicular Use of The Drift

The Drift is recorded as a footpath. Correspondence has been received from third parties stating that the applicant has agricultural access rights along The Drift but not for motor vehicles. Moreover, based on the usual legal presumption that landowners fronting onto a public footpath would own the first half of the path/road running in front of their property, the third parties would not grant the applicant consent to use a motor vehicle to access their site.

It would be useful at this juncture to briefly outline the history of The Drift and the difference between private and public access rights. The information below was provided by the Council's former Rights of Way Officer.

The Drift was created by an Inclosure Act of Parliament in 1819 as a road. As well as public access, private rights were also created by the Act. Although public rights of way take precedent over private rights for example, landowners driving tractors have to give way to walkers, they do not alter private rights of way. Whilst there is a common law presumption, as espoused by third parties, of ownership by frontagers to the centre of tracks etc, this does not normally apply in the case of Inclosure Awards. In this case, the applicant would benefit from the same private rights that all other landowners/householders have along The Drift to access their property by a motorised vehicle. The applicant does not have to seek or secure the permission of landowners or householders.

It is understood that the landowners/householders maintain The Drift. The agent has confirmed that the applicants are willing to contribute to the maintenance of The Drift.

Sustainability of the site/access to service and facilities

Objections have been raised that the site is distant from services and facilities and hence is not located within a sustainable location. It is accepted that the site is 2 km from the nearest main settlement ie Chard and this would not normally be a site that is considered sustainable for residential use. However, it is clear from many appeal decisions in respect of gypsy sites, that Inspectors regard distances of 5 to 10 km as being acceptable an acceptable distance in rural areas to access services

and facilities. On this basis, given the distance of 2km from Chard, it is not considered that the application is unacceptable in sustainability terms. Moreover, it is considered that the use of a site that has previously been used is more sustainable than using a green field site.

Landscape Impact

The application site is currently characterised by buildings, structures and a caravan with previous planning permissions having been granted for such development. The wider area along The Drift contains a number of residential dwellings and outbuildings. Accordingly, on this basis, it is not considered that the proposed development would be adversely harmful to landscape character. In regard to the visual impact, given the existing hedgerow and tree coverage, plus the development form already on site, it is not considered that the development would have a harmful landscape impact. The Council's Landscape officer has assessed the impact of the development does not consider that there is a case for an over-riding landscape objection.

Residential amenity

The closest existing dwelling (Fieldways) is located on the opposite side of the Drift. Due to the existing boundary treatments and nature of the development, it is not considered that the scheme would give rise to any adverse impact on residential amenity.

Drainage /Flood risk

Concerns have been raised about drainage of the site, in particular questioning the use of septic tanks to deal with waste sewage when the ground conditions are not favourable for such a facility. The applicants have stated that they would not install a septic tank, rather a sewage treatment plant. This system is preferable to a septic tank and a condition shall be attached to any consent to secure the details of the treatment plant. In regard to flooding concerns, there may be certain time when the Drift becomes waterlogged. However, the site lies within Flood Zone 1 and thus it is not considered that the site is at risk of flooding. Moreover, both areas proposed for the pitches already have areas of hardstanding as a result of previous uses and the scheme proposes very little additional areas of hardstanding.

Water supply

The properties in this area are not on mains water with supply coming privately via bore holes or springs. Concern has been raised that the development would place an additional demand on this supply and may cause supply disruption to the supply. This is clearly an important issue. Having checked with one of the Council's Environmental Health officers, the advice was that the likely level of consumption would not be at a level (20 cubic metres) that would require a licence from the Environment Agency. Moreover, it is very unlikely to result in a disruption to supply.

Other issues

Number of occupants.

Concern has been raised that the development would be harmful due to the number of residents that may occupy the site - a figure of up to 40 has been stated. However, this is much greater than those outlined by the applicants. If the application is approved, there will be 4 pitches with each pitch containing 1 family unit. There will be 2 adults on each pitch with a total of 8 children across the 4 pitches. Thus, a total of 16 occupants. Clearly, this number may vary over time but it is very unlikely that each pitch will ever reach 10 occupants.

Design/layout of the pitches.

Comments have been made that the design and layout of the pitches does not meet guidance. Having dealt with a number of similar applications, the site layout largely reflects other sites and provides the usual facilities on site. In terms of access points, there is 1 vehicular access - it is not necessary to require 2 access points. It is not considered that the design and layout warrants refusal of the application.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant permission.

01. The proposed development by reason of its design, scale, siting and layout will cause no adverse harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also contribute to meeting the Council's gypsy pitch target as outlined in the adopted local plan. The proposal is therefore in accord with policies SD1, HG7, TA5, and EQ2 of the South Somerset Local Plan and guidance in Planning Policy for Traveller Sites.

SUBJECT TO THE FOLLOWING:

01. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites.

Reason: The LPA would not have granted planning permission except for this special need.

02. There shall only be a maximum of 4 pitches as specified within the approved layout plan.

Reason: To protect the character of the area in accord with Policy EQ2 of the South Somerset Local Plan.

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

Site layout plan - drawing number 1639/02, Land Registry site plan Title number WS9147, 1639/03 - proposed dayroom plan and elevations and the survey junction of the The Drift and the A30.

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

04. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for the external walls and roofs for the dayrooms and sheds have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan.

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

Reason: In the interests of highway safety to accord with Policy TA5 of the South Somerset Local Plan.

06. Before the development hereby permitted is commenced, foul and 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 that the development is satisfactorily drained to accord with the NPPF.

07. 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 details of the retention and management of the central woodland area, 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: To protect the amenity of the area and to retain the integrity of the local ecological network in accord with Policy EQ2 and EQ4 of the South Somerset Local Plan.

08. No external lighting shall be installed within any of the application site unless details of the lighting has first been submitted to and approved in writing by the LPA. Once approved and installed, the lighting shall not be altered without the written consent of the Local Planning Authority.

Reason: To protect the amenity of the area to accord with Policy EQ2 of the South Somerset Local Plan.
