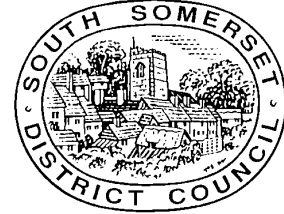


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 17th April 2019

5.30 pm

**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

Val Keitch
Jenny Kenton
Paul Maxwell
Sue Osborne
Ric Pallister

Garry Shortland
Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

Consideration of planning applications will commence no earlier than 6.15pm.

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

This Agenda was issued on Monday 8 April 2019.

Alex Parmley, Chief Executive Officer



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).

Agendas and minutes of meetings are published on the council’s website
www.southsomersex.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 17 April 2019

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 20th March 2019**
- 2. Apologies for Absence**
- 3. 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.

4. 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 19th June 2019 at 5.30pm at The Guildhall, Chard.

5. 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.

6. Chairman's Announcements

Items for Discussion

- 7. Blackdown Hills Area of Outstanding Natural Beauty (AONB) Management Plan Adoption** (Pages 6 - 8)
- 8. Chard Regeneration Scheme Town Centre Regeneration Public Consultation Feedback** (Pages 9 - 11)
- 9. Area West Committee Forward Plan** (Pages 12 - 13)
- 10. Planning Appeals** (Pages 14 - 30)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 31 - 32)
- 12. Planning Application 18/03373/COU - Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard** (Pages 33 - 41)

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 7

Blackdown Hills Area of Outstanding Natural Beauty (AONB) Management Plan Adoption

Director: Martin Woods, Director of Service Delivery
Manager / Lead Specialist: Tim Cook, Locality Manager
Lead Officer: Adrian Moore, Locality Officer
Contact Details: adrian.moore@southsomerset.gov.uk or 01935 462409

Purpose of the Report

To ensure that statutory obligations are met by SSDC by jointly producing a management plan for the Blackdown Hills Area of Outstanding Natural Beauty (AONB).

Councillors are asked to adopt the Blackdown Hills AONB Management Plan 2019-24 on behalf of SSDC.

Public Interest

This report provides a summary of the activities and projects to be carried out from 2019-2024 by the Blackdown Hills AONB partnership for the benefit of the residents of South Somerset and the wider area.

Recommendation

That members adopt the Blackdown Hills Area of Outstanding Natural Beauty Management Plan 2019-2024 (Appendix A – circulated as a separate document).

Background

Councillors are reminded that in December 2018 a report was brought to Area West Committee and it was agreed to pay £6,000 as SSDC's contribution towards the Blackdown Hills AONB for 2019/20. This contribution helps to meet SSDC's statutory obligation regarding the writing and delivery of a Management Plan.

The purpose of AONB designation

AONBs are designated under the National Parks and Access to the Countryside Act 1949.

The purposes of the AONB designation were updated and confirmed by the Countryside Commission in 1991 as follows:

- The primary purpose of the designation is to conserve and enhance natural beauty.
- In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries and the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.
- Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

The Countryside and Rights of Way Act 2000 confirmed the significance of AONBs and created improved arrangements for their management. There are two key sections of the Act for AONBs:

- Section 85 places a statutory duty on all 'relevant authorities' to have regard to the purpose of conserving and enhancing natural beauty when exercising or performing any function affecting land in AONBs.
- Section 89 places a statutory duty on local authorities to prepare and review a Management Plan for each AONB in their administrative area.

Benefit of continued engagement

- Proven partnership delivering AONB Management Plan and Duty of Regard for SSDC under Sec 85 & 89 of the Countryside and Rights of Way Act 2000
- Excellent multiplier of SSDC's £6,000 – 1:34 (with £201,882 from Defra and other LA funding)
- Provides specialist planning advice to SSDC Planning Officers
- Helps deliver SSDC Plans and Strategies including the Local Plan
- Continuation of partnership working with key public and private sector partners
- Ability to access additional funding for local projects
- Strong cross-sector and community engagement and support
- Key partnership targeting rural economy, farming and forestry
- Policy development benefits e.g. Landscape Character Assessment
- Ambassador for SSDC

Achievements from 2018/19

- Statutory Blackdown Hills 2019-24 AONB Management Plan produced by the AONB staff unit (through the AONB Partnership) on behalf of SSDC
- Nature & Wellbeing work to bring out groups (e.g. WATCH groups) to local farms such as Folly Farm (Dommett) and work with the Memory Café in Chard
- Farm Facilitation Funding (from Defra) has been secured with Butterfly Conservation for the Blackdown Hills Farming & Woodland Group (58 farmer members) and has enabled 14 events and demonstrations on topics including wood fuel / woodland management, orchard management and hedgerow management
- The AONB Volunteer Co-Ordinator has recruited volunteers from across the area and engaged them in activities including biological surveying and practical tasks
- Three events Guides produced per year promoting events organised by the AONB and partners

Highlights over the coming year relevant to SSDC - taken from the full management plan

Forward Plans for 2019/20

- An application is being submitted to *Reaching Communities* (Lottery) for a joint Somerset AONB's and Somerset Wildlife Trust bid for nature & wellbeing work linked to green spaces, to include Chard and work with communities and partners in SSDC
- Target the Woods for Water project (led by the AONB) at areas of the Axe catchment in the SSDC area- to improve water quality & biodiversity
- A Visitor Guide for the AONB will include sites in the SSDC part of the AONB, including local walks
- There will be interactive sessions undertaken with the primary schools in the AONB / in parishes that are part of the AONB

Financial implications

None from this report

Council Plan Implications

Working in partnership with the Blackdown Hills AONB helps address Focus 2 of the SSDC Council Plan:

- The environment - the work of the AONB helps make South Somerset an attractive place to live, work and visit.

Carbon Emissions and Climate Change Implications

The Blackdown Hills AONB website is a useful resource for homeowners seeking information on renewable energy and light pollution.

Equality and Diversity Implications

The Blackdown Hills AONB works to ensure that people with limited mobility can enjoy the countryside easily by promoting easy access trails.

Background Papers

- Area West Committee – Blackdown Hills AONB December 2018
 - Area West Committee – Blackdown Hills AONB December 2017
 - Area West Committee – Blackdown Hills AONB December 2016
 - Area West Committee – Blackdown Hills AONB December 2015
 - Area West Committee – Blackdown Hills AONB December 2014
 - Area West Committee – Natural Futures February 2014
 - Area West Committee – Blackdown Hills AONB October 2013
 - Area West Committee – Blackdown Hills AONB October 2012
-

Agenda Item 8

Chard Regeneration Scheme Town Centre Regeneration Public Consultation Feedback Report

Director: Alex Parmley (Chief Executive Officer)
Manager/ Lead Officer: Jeb Farrah (Chard Regeneration Scheme Project Manager)
Contact Details: jeb.farrah@southsomerset.gov.uk

Purpose of the Report

1. This report updates members of Area West Committee on the public consultation programme for the regeneration plans and proposals for SSDC landholdings adjacent to Chard Town Centre. The site comprises the Boden Mill, the former ACI factory site, the Boden Street and Marketfields car parks the Boden Centre and the Holyrood Lace Mill.
2. The first formal consultation ran from Saturday 16th June 2018 to the 30th September 2018.
3. The comments submitted by the community through this consultation fed into the appointed architect's brief for master planning purposes. The concepts have now been developed and presented at a second public exhibition on Saturday 16th March 2019. This report provides a summary analysis of main comments received so far.
4. The proposals to regenerate Chard are wider than the redevelopment of the key sites albeit these form an early priority. In addition to the main regeneration site at Boden Mill, a Public Realm Enhancement Review has been commissioned to encompass the wider regeneration of the town centre and public realm spaces.

Public Interest

5. Following extensive research and guided by suggestions previously made by Chard residents, South Somerset District Council has worked with partners to develop an ambitious strategy which will bring significant changes and benefits to Chard and the community.
6. Chard Regeneration is a wide ranging scheme encompassing the whole of the town centre but focuses in the early stages on redeveloping and bringing in to community use the Boden Mill / ACI site in the centre of the town. Following consultation in summer 2018 the proposed components to be included on the site are a new leisure centre with swimming pool, a library and community hub, alongside a blend of housing and commercial developments.
7. The project team appointed by the Council and working with the partners includes Alliance Leisure who were appointed as leisure development specialist and AHR architects, a multi-award winning architecture and building consultancy practice. The team, including SSDC, have engaged with other key partners and the Chard Community Stakeholder Group to bring the project forward from concept to design in preparation for submission of a planning application.
8. The latest proposals can be viewed via the District Council website.

Recommendations

9. It is recommended that Area West Committee note the content of this report.

Report

The Spring 2019 Consultation

10. In order to maximise community engagement in the consultation SSDC publicised the event widely including through print media, website, social media and a mailshot was sent to Chard residents and businesses.
11. On 13 March 2019 Radio Ninesprings interviewed Councillor Jo Roundell Greene, portfolio holder for the Chard Regeneration Scheme and Deputy Leader of South Somerset District Council about the forthcoming consultation event.
12. On 15 March 2019 a presentation of the proposals were given to the Holyrood Students regeneration group. The group has been working extensively with SSDC and the team to ensure that the voice of young people is represented in shaping the future of the town.
13. Also on 15 March 2019 a presentation of the proposals was given to the key stakeholder group and members of the Chard Regeneration Board.
14. A public event was held at Chard Guild Hall on 16 March 2019. The event comprises a series of consultation boards with members of the project team on hand to talk through the proposals and answer questions. A flythrough of the site was on display throughout the event and presentation talks were held by the architects. In addition, the proposals and flythrough were hosted on the SSDC website to give the opportunity for those unable to attend the event to view and make comments on the scheme. The boards and flythrough can be viewed at <https://www.southsomerset.gov.uk/life-events/my-business/regeneration-projects/chard-regeneration/>
15. The appointed consultants for the public realm enhancement review (Element Urbanism) also attended the event and talked to the public about the wider town centre aspirations and how they would be approaching their work.

Consultation Analysis

16. 533 people attended the latest consultation event resulting in many conversations, questions being answered and points being made to the team. 103 people left written comments on the day and to date a further 16 comments have been received via other communication channels. This is on top of the feedback received from the Holyrood School students and the Stakeholder Group.
17. For analysis purposes the responses were grouped into the top three re-occurring comments this told us that:
 - The majority of the respondents thought that the wider Masterplan Scheme was very exciting and they were really interested in the proposals.
 - Many of the respondents said they thought the Leisure Centre plans in particular were very exciting.
 - A number of the respondents said they wanted the pool offer to include lessons for all ages.

The top response from the public realm enhancement review was;

- That respondents really liked the wider ambitions for the Public Realm and understood its importance, looking at the wider environment, the historic setting and access to the town, recognising that traffic and transport issues (including pedestrian, cycle, car and public transport) have an important role in bringing the regeneration activities together.

Moving the Regeneration Scheme Forward

18. Following the consultations that have been undertaken, there are some key emerging strategy themes becoming apparent. These themes will form part of the foundations for the Chard Strategy.
19. The project team are currently working on the planning application preparations for the Boden Mill / ACI site with a view to submitting an application in the next few weeks. The timetable for taking forward the works to the site will depend on the planning application process which will involve securing agreement from statutory consultees such as Natural England, Historic England and the Highways Authority. The Project Team have had extensive engagement with these agencies in preparing proposals. If the planning application receives consent and is expedited in a timely manner the aim is to start works on site before the end of 2019.

Works on the public realm and access proposals will continue to take place over the next two months with a view to communicating proposals and consulting in Summer 2019.

Financial Implications

20. There are no new financial implications directly associated with this report.

Council Plan Implications

21. The Chard Regeneration Scheme is a specific objective of the Council Plan and a priority project for 2019-20

Carbon Emissions and Climate Change Implications

22. None at this stage

Equality and Diversity Implications

23. None at this stage

Background Papers

24. None
-

Agenda Item 9

Area West Committee Forward Plan

Service Manager: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Morris, Case Services Officer (Support 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

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
There is no meeting in May due to local elections		
19th June 2019	Appointment of Working Groups & Outside Bodies	Jo Morris, Case Services Officer Support Services
	Scheme of Delegation	Jo Morris, Case Services Officer Support Services
17th July 2019	Area Priorities & Area Chapters	Chereen Scott, Specialist – Strategic Planning

Agenda Item 10

Planning Appeals

Director: Martin Woods, Service Delivery
Lead Specialist: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

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

18/01352/OUT - Erection of 2 No. dwellings and formation of vehicular access (outline with all matters reserved) Resubmission of 17/03487/OUT.
Land OS 0001 Part Moorlands Road Merriott Somerset
(Officer Decision)

Appeals Allowed

17/03725/FUL - Erection of Agricultural Building for Livestock Accommodation and Storage Use
Land Os 4676 Part Limekiln Lane Winsham Chard Somerset TA20 4DH
(Officer Decision)

Background Papers

Decision notices attached.

Appeal Decision

Site visit made on 28 February 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 March 2019

Appeal Ref: APP/R3325/W/18/3210037

Land to the north of Moorlands Farm, Merriott, Chard TA16 5NF

- 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 D Foot against the decision of South Somerset District Council.
 - The application Ref 18/01352/OUT, dated 27 April 2018, was refused by notice dated 25 June 2018.
 - The development proposed is described as: erect 2 dwellings and construct vehicular access thereto.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made in outline with all matters reserved. Where details of the access, layout, landscaping, scale and appearance of the development have been shown on the submitted plans, or described in the supporting information, I have therefore treated them as indicative.
3. A revised version of the National Planning Policy Framework (the Framework) was published during the course of the appeal. However as no changes have been made to the content directly relevant to the subject matter of this appeal I consider that no prejudice would occur to any party as a result of me taking the revised Framework into account in making my decision.

Main Issues

4. The main issues are the effects of the development on:
 - drainage and flooding; and
 - the character and appearance of the area, including the setting of listed buildings, the setting of Merriott Conservation Area (the Conservation Area), and protected trees.

Reasons

Drainage and flooding

5. A culverted stream runs across the north side of the field within which the site is located. Parts of the field along and close to the line of the culvert are at risk of fluvial and surface water flooding, falling within Flood Zones 2 and 3. The

site boundary has been specifically drawn in order to place the proposed development within Flood Zone 1. Whilst the Council nonetheless notes an apparent minor encroachment of the site boundary into Flood Zone 2, the maps provided are unclear, as is the claimed point of encroachment.

6. Housing has previously been proposed within the field, reference: 17/03487/OUT (the previous scheme). The site boundary of the previous scheme was greater than that currently proposed, incorporating land within Flood Zones 1, 2 and 3. In this regard the Environment Agency (EA) was previously satisfied that the aim of the sequential test in steering development to areas with the lowest risk of flooding would be met by locating buildings and infrastructure within the part of the site contained in Flood Zone 1. It is reasonable to consider that the same would be true of a site wholly contained within Flood Zone 1, and that consequently no flood risk assessment would be required.
7. Nonetheless, given the increase in impermeable surface area of the site that would result from the development, some run-off would occur. Run-off currently flows north toward the line of the culvert, so it is reasonable to consider that this could have the potential to create or exacerbate surface and/or fluvial flooding both immediately adjacent to the site and elsewhere.
8. In this context a Surface Water Drainage Strategy (the Strategy) has been submitted with the appeal. This incorporates the Flood Risk Screening Appraisal (the Appraisal) submitted in relation to the previous scheme. The purpose of the Strategy is to provide an indicative illustration of how surface water could be managed.
9. The Strategy however confirms that no infiltration testing has been undertaken on site. Therefore the potential to use soakaways within the site to manage run-off has not been ascertained.
10. The Strategy proposes a range of alternative measures including a swale that would discharge at 'greenfield rates' into the stream to the north. The swale however appears to fall outside the site boundary, as does the associated drain, and each would require works within Flood Zones 2 and 3. The scheme diagram also assumes the de-culverting of the stream, which is likewise located off-site and would require separate consent. Neither was considered in detail within the Appraisal, and no comments on these matters by either the EA or Lead Local Flood Authority have been set before me.
11. The appellant has suggested that works outside the site could be secured by a Grampian condition. However I have been provided with no clear indication that consent would be forthcoming for de-culverting, that it is certain that off-site works would be undertaken in the event that the site was developed following a change in ownership, or of how ongoing management of off-site drainage would be secured. Such a condition would therefore be ineffective.
12. Furthermore, whilst there is no apparent necessity for de-culverting of the stream in relation to the development, a positive outcome of on-site infiltration testing would render other off-site drainage works similarly unnecessary. In the absence of evidence to the contrary, a condition requiring off-site drainage works and de-culverting would therefore additionally fail the test of necessity. As such, the scheme as presented fails to demonstrate that run-off generated by the development could be managed.

13. I have had regard to paragraph 163 of the Framework which indicates that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. As increased flood risk off-site cannot be ruled out in this case, paragraph 163 lends weight to the case for refusal.
14. For the reasons outlined above I conclude that the development would present unacceptable risks with regard to drainage and flooding. It would therefore conflict with Policy EQ1 of the South Somerset Local Plan 2006–2028 (2015) (the Local Plan), which requires development to demonstrate how climate change mitigation and adaptation will be delivered, including through reducing and managing the impact of flood risk by incorporating Sustainable Drainage Systems.

Character and Appearance

15. The site is located on the south-western edge of Merriot. Whilst a cluster of buildings exists on the opposite side of Moorlands Road to the east and south-east of the site, on its other sides the site, and indeed the field of which it forms part, is directly neighboured by further open 'green' space. To the north and north-east some of this space appears to be in use as gardens or allotments, which together provide a soft edge to the built-up area of the settlement. Towards the west lie similar fields. Upon both entering and leaving the settlement the site, and field of which it forms part, therefore appreciably merge with the open landscape setting of the settlement.
16. Though the layout is indicative, the tight boundaries and constraints placed by the presence of trees provide limited scope for alternative positioning of the 2 proposed dwellings and access point. The dwellings would therefore be positioned at the western end of the site. Viewed within the context of existing development on the north side of Moorlands Road, this would leave a considerable gap between the dwellings and the edge of the built-up area of the settlement. This gap would be appreciable both from the road, and from land to the north and north-east, including the adjacent public footpath. In the proposed location the development would appear both poorly related to the existing built form of the settlement, and as an encroachment into its landscape setting.
17. The fact that development occurs on the opposite side of Moorlands Road would not alleviate the adverse effect given the more continuous nature of built form along the south side of the road. Nor would the belt of trees on the west side of the site, which would not be readily perceived as forming a new settlement edge on account of the fact that the development itself would be somewhat detached from the established built-up area on the north side of the road. Landscaping would otherwise provide limited scope for mitigation through screening.
18. Development opposite the site includes a group of Grade II listed buildings. It is as such necessary to have special regard to the desirability of preserving the setting of these listed buildings. The group consists of the country house referred to within the statutory list as both 'Moorlands' and 'Glen House', its entrance gates and walling, and Milcote and Little Moorlands (hereafter collectively referred to as the Moorlands group). All are historically associated parts of a single complex, hence listing of some components for 'group value'. The relationship between the component parts of the group remains apparent,

is readily perceived both spatially and visually, and is critical to an understanding of the significance of the buildings within the group as a whole. Significance otherwise resides most particularly in the design of Moorlands/Glen House by Sir George Gilbert Scott, the interesting architectural style and composition of the group, and its continuing prominence within the townscape of the settlement.

19. In the absence of foliage extensive views of the group, including of the main house, are possible from Moorlands Road. Milcote itself faces across the appeal site and can be clearly seen from within it, whilst the entrance gateway is located roughly opposite the location within which the proposed units are indicated. Upon approaching Merriott from the south-west, the visual prominence and historically high status of the Moorlands group is emphasised by the openness of the surrounding land. In this regard the openness of the site makes a notable contribution to perception of the historically distinct character and status of the Moorlands Group relative to the adjoining townscape.
20. The proposed development would erode these qualities by both reducing openness within the setting of the Moorlands group and by introducing an element of visual competition, each appreciable from the road. Landscaping would again have limited potential to mitigate the effect. The development would therefore harm the ability appreciate of the significance of the Moorlands group, thereby failing to preserve its setting.
21. The boundary of the Conservation Area runs along the southern edge of the site, and is drawn to include historic development on either side of the linear route formed by Moorlands Road and Lower Street. Historic development forms an often more or less continuous built-up frontage along much of this route, though becomes more broken towards the peripheries. On both the north and south sides of Moorlands Road historic buildings, including the Moorlands group, currently define the edge of the built-up area of both the settlement and the Conservation Area. Both this historic pattern of development, and the continuing ability of public to appreciate it, form important components of the significance of the Conservation Area.
22. For much the same reasons as previously discussed, the detached location of the proposed dwellings would be appreciably at odds with the historic development pattern, and would undermine the important role played by historic buildings in defining the south-western entry into the settlement. Consequently, the development would cause harm to the setting and significance of the Conservation Area.
23. The site also contains a number of trees protected as part of a wide-ranging Tree Preservation Order (TPO). These trees are located along the boundary with Moorlands Road. A further belt of trees covered by the TPO lies along the western boundary of the site. Based on the submitted plans however, the extent of their inclusion within the site itself is unclear. Indeed this belt of trees appears to fall either partly or wholly outside the site boundary.
24. The trees are of varied type and none of those along Moorlands Road are particularly prominent viewed relative to other vegetation. The tree belt is a more prominent and attractive feature appreciable from both the settlement and footpath to the north. Though all the trees in question are also visible within the settings of the Conservation Area and the Moorlands group, none of

the trees in question makes an obvious contribution to the significance of these heritage assets.

25. Trees within the belt along the western edge of the site appear to be relatively young, but are already of considerable height. The trees are therefore likely to have strong potential to grow both taller and broader. Based on the indicative layout, it is likely that the tree belt would appear overbearing viewed from within the 2 proposed dwellings and their gardens. Overhang would be likely, as would dense shading late in the day. It is therefore reasonable to consider that the trees would have an adverse impact on the living conditions of occupants, that this would worsen with time given future potential for growth. It is therefore likely that some pressure for pruning or felling of trees would be generated, even if some or all of the trees fell outside the site.
26. The protected status of the trees would provide strong grounds for the Council to resist such pressure, however the existence of unreasonable living conditions would nonetheless be likely to weigh against retention of the tree belt in its current form.
27. The appellant has submitted an arboricultural opinion which highlights both the need for management of the tree belt, and the lack of any agreed scheme. Given the inevitably reactive nature of a scheme generated in response to development, combined with the additional probability that some or all of the trees fall outside the site, in my view the development would not provide a context within which appropriate ongoing management measures could be secured. Uncertainty would therefore exist in relation to the future of the tree belt if the development took place. Reasonable potential would therefore also exist for harm to be caused to the contribution the tree belt makes to the character and appearance of the area.
28. With regard to other arboricultural matters, sufficient space appears to be available within the site, and between trees along Moorlands Road, to enable construction of the dwellings and an access in the indicative locations without adverse impact on root protection areas. For the same reason I see no reason to consider that construction would cause harm to protected trees on or adjacent to the site, provided this was carried out in accordance with an arboricultural method statement. This could be secured by condition.
29. The development would also require removal of elements of the existing roadside hedge in order to provide visibility splays. The hedge is fragmentary and in replanting could therefore achieve some enhancement despite the altered alignment. Enhancement of the hedge could however also be more sensitively achieved in the absence of development. As such I give the potential for enhancement of the hedge little weight.
30. I have had regard to paragraph 193 of the Framework which indicates that great weight should be given to the conservation of heritage assets, I find that the development would not conserve the setting of the Conservation Area or preserve the settings of buildings within the Moorlands group. With reference to paragraph 196 of the Framework, and my reasons above, the development would therefore cause less than substantial harm to the significance of these designated heritage assets. Having additional regard to the considerable importance and weight to be given to the statutory objective of preservation of the setting of listed buildings, I find that the modest public benefit of providing 2 additional dwellings, would not outweigh the harm caused.

31. For the reasons outlined above I conclude that the development would cause unacceptable harm to the character and appearance of the area including the setting of buildings within the Moorland Group, the setting of the Conservation Area, and protected trees. The development would therefore conflict with Policy EQ2 of the Local Plan which expects development to promote South Somerset's local distinctiveness and preserve or enhance the character and appearance of the district; Policy EQ3 of the Local Plan which expects development to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets; and Policy EQ5 of the Local Plan which expects development to enhance and/or maintain the character and local distinctiveness of the landscape.

Other Matters

32. The appellant notes a package of public benefits that would be provided by the development in association with de-culverting of the stream. These include de-culverting itself, a permissive footpath and creation of a wildlife zone. All would however fall outside the site, would not form part of the development for which planning permission has been sought, would not be demonstrably necessary in order to make the development acceptable, and could not therefore be secured. None can therefore be considered to form public benefits arising from the development.
33. I note the appellant's further points that occupants of the development would have direct access to facilities within Merriott, that use of such facilities could make a contribution to local vitality, that the development could make use of materials which reflect those used in the Moorlands group, and that construction could incorporate energy efficiency measures and generate employment. However these points would do little or nothing to alter the unacceptably adverse effects of the development identified above. Therefore these points at best attract very little weight.
34. Both parties agree that the Council cannot demonstrate that it has a 5-year supply of deliverable housing sites, therefore policies most important for determining the application are out-of-date. Under paragraph 11 of the Framework planning permission should therefore be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the Framework that protect areas or assets of particular importance provide clear reasons for refusal. With regard to my reasons above, in this case combined weight of the harm caused by the scheme with regard to drainage and flooding, and the character and appearance of the area, including the setting of listed buildings, the setting of the Conservation Area, and protected trees would significantly and demonstrably outweigh the public benefits related to and generated by provision of 2 dwellings. Furthermore paragraphs 163 and 196 of the Framework provide clear reasons for refusing the development proposed. Paragraph 11 does not therefore support the granting of planning permission in this instance.

Conclusion

35. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended, I find that in this case material considerations do not indicate that my decision should be made other than in accordance with

the development plan. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR



Appeal Decision

Hearing held on 13 February 2019

Site visit made on 13 February 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2019

Appeal Ref: APP/R3325/W/18/3207115

Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH

- 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 Stephen Taylor of Cricket St Thomas Estate against the decision of South Somerset District Council.
 - The application Ref 17/03725/FUL, dated 12 September 2017, was refused by notice dated 25 January 2018.
 - The development proposed is erection of agricultural building for livestock accommodation and storage use.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of agricultural building for livestock accommodation and storage use on Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH in accordance with the terms of the application, Ref 17/03725/FUL, dated 12 September 2017, subject to the conditions set out in the attached schedule.

Application for costs

2. At the hearing an application for costs was made by Cricket St Thomas Estate against South Somerset District Council. This application is the subject of a separate decision.

Main Issues

3. The main issues in this case are:
 - a) whether there is an agricultural justification for the proposed development; and
 - b) the effect of the proposal on the character and appearance of the area, having regard to the site's proximity to ancient woodland and the grade II* registered park and garden at Cricket St Thomas.

Reasons

Agricultural justification

4. The appeal site forms part of the Cricket St Thomas Estate which comprises a land holding of almost 350 hectares. The Estate is centred upon Cricket House, now converted to a 250 bedroom hotel, but also contains a development of 20 holiday lodges and commercial uses in the form of Modus Furniture and

Lubborn Creamery. Most of the historic parkland is farmed on a tenanted basis by Mr Mouland and his family. The holding is run from Horn Farm in Forton and includes additional land rented outside of Cricket St Thomas.

5. The main agricultural activities within the Estate comprise sheep and cattle enterprises which are run in parallel with one another. The parkland is scenic, and its attractiveness is due in no small part to the grazing regime and responsible farming practices adopted under a Higher Level Stewardship agreement. All the evidence points to Mr Mouland being an experienced and progressive farmer and a good custodian of the registered park and garden.
6. It is common ground that permanent accommodation is not required for raising sheep, which are normally kept in the open, and that sheep do not normally require agricultural buildings for their welfare. It is not proposed to use the new building as a lambing shed; it would be too small for this purpose and most of the flock is lambed outdoors at Cricket St Thomas in any event. The building is intended as an isolation and treatment unit for animals, particularly ewes and lambs that may be sick or otherwise in need of care. It would also provide storage for sundry items – excluding medicines which would be safely locked away elsewhere.
7. The primary focus is upon reducing lamb mortality rates which were almost 50% higher than normal last season due to the inclement weather conditions. Consequently, the proposed building would be used most intensively during the 6 week spring lambing season. However, it would also be required on an ad hoc basis across the remainder of the year as a sheltered treatment base for medical conditions which could include lameness, magnesium deficiency, mastitis and prolapse. For this reason, a temporary shelter would not be an effective solution. Under present arrangements, sick or vulnerable animals discovered during routine stock checks need to be transported longer distances by vehicle to an isolation unit. In my opinion, this is not conducive to animal health and welfare, or the efficient running of the holding.
8. The Council stated that it is likely to be more supportive of a facility adjacent to the Hoarstones barns which are located approximately 300m away along Limekiln Lane to the west. Whilst I agree that grouping farm buildings together can be advantageous in landscape terms, the Hoarstones site is on the southern side of the lane and is poorly related to existing grazing on the eastern half of the Estate. The appeal site has the advantage of being directly accessible to pasture, enabling sheep to re-join the flock without the stress arising from transportation by vehicle.
9. It has been suggested that the recently completed Whitedown Barn would be capable of meeting the functional requirement. Photographic evidence demonstrates that this building has been used for lairage but at the time of my visit it was being used for a combination of grain and straw storage and warehousing in connection with Modus Furniture. The appellant conceded that a breach of planning control had occurred but explained that it was a temporary arrangement, pending extension of the Modus premises, for which planning permission has been granted. Even if space could be found at Whitedown Barn for a 'hospital unit', it would not be well positioned to serve the large swathe of pasture land at the eastern end of the Estate (and on which 500-600 ewes are routinely lambed). A modest building on the appeal site would be better suited for this purpose and proportionate to the identified agricultural need.

10. The Council has not directed me to any planning policies which stipulate that a farm building must be essential for it to be acceptable. Nevertheless, based on the evidence before me regarding current farming practices, I am content that there is a reasonable agricultural justification for the proposed development. There is nothing in anything I have read or heard to make me believe that Mr Mouland's intentions are anything but genuine. Given that additional rent will be payable it seems highly unlikely that a new building would be left empty. The appellant has no objection to the imposition of a planning condition restricting it to agricultural use. This would prevent future conversion to alternative uses¹ without a grant of planning permission.

Character and appearance

11. The Council raises no objection to the scale or design of the proposed building and accepts that its appearance would be agricultural. It nevertheless contends that the development would be harmful to ancient woodland and the setting of the grade II* Cricket registered park and garden. The authority considers these two impacts to be linked inasmuch that they relate back to landscape character.
12. The refusal reason states that the site is located within an ancient woodland. However, the Council now acknowledges that this was an error; the proposed development would fall within a buffer zone identified within the authority's internal constraints system. The nearest designated ancient woodland lies roughly 200m to the north-west within an area shown on the map as Purtington Copse. The trees immediately adjoining the site are part of a commercial plantation comprising predominantly coniferous species which at some point will be felled under licence from the Forestry Commission and replanted.
13. The proposal would have no direct impacts on ancient woodland, or for that matter the trees in the adjacent plantation. The development would be visible at a distance from Limekiln Lane as part of a wooded setting, but its design and appearance would be unsurprising to the casual observer. The character of the area is resolutely rural, but the location does not feel particularly remote. There are other buildings in the area – notably Hoarstones barn to the west and Purtington House Farm to the east, and beyond that the hamlet of Purtington. Taken in this context, I do not consider that the insertion of a modestly sized agricultural building into a clearing at the edge of the plantation would have a significant adverse effect on the character of the rural landscape.
14. It is contended that the proposal would prevent replanting of ancient woodland. The subject land is not within or adjacent to the ancient woodland designation, but its size is not significant and replanting in this location is unlikely in any event, given that this general area is occasionally used for forestry activities. The appellant has offered to carry out additional tree planting within the vicinity, together with native species hedge planting on the site frontage to improve the environmental resource and provide screening.
15. Turning now to the registered park and garden, there is no dispute that the Weston Ground Plantation forms part of the setting to this heritage designation. The list description is directly relevant to explaining its significance:

¹ including under permitted development rights – Article 3(4) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, refers.

"The park surrounds the house and pleasure grounds on all sides and comprises a valley extending from north-east to south, through which flows a small stream. The valley sides are undulating, with ornamental plantations articulating some of the projecting shoulders of high ground and framing extensive vistas from the upper slopes."

16. Weston Ground Plantation is one of several blocks of tree planting on the valley sides which frame the parkland in the valley bottom. The undulating topography and extensive tree cover mean that the proposed building would not be visible in views from the parkland, either at short range or from a distance. Given that approximately 80% of the farmed area of the Estate lies within the registered park and garden designation, the appeal site is well chosen to prevent any intervisibility and avoid adverse impacts on the heritage asset.
17. The Council has raised concerns regarding the activity generated by the proposal. Whilst the pattern of usage is difficult to predict with any accuracy, it is unlikely that there would be a significant number of additional comings and goings as the building's role would be linked to routine stock checks which already take place. Although there is some potential for light intrusion, this can be controlled using a suitably worded planning condition.
18. Accordingly, I conclude on this issue that there would be no material harm to ancient woodland or the setting of the grade II* registered park and garden at Cricket St Thomas. The proposal would therefore comply with saved Policies EQ2, EQ3 and EQ6 of the South Somerset Local Plan (2006-2028) insofar as they seek to preserve the character and appearance of the district, safeguard the significance and setting of heritage assets and protect the character of the district's trees, woodlands and forests.

Conditions

19. I have considered the Council's suggested conditions against the tests set out within paragraph 55 of the National Planning Policy Framework and the Planning Practice Guidance. In addition to the standard commencement condition I have imposed a condition specifying the plans, as this provides certainty. The proposal has been justified on the basis that there is an agricultural need for the building and therefore it is reasonable to attach a condition restricting its use for this purpose. In the interests of the character and appearance of the area conditions are required to secure additional planting and to ensure that the approval of the local planning authority is sought for any external lighting.

Other Matters

20. The parties were given the opportunity to comment on the representation made by Acorus on behalf of neighbours. Many of the submissions are predicated on the basis that the proposal is for a lambing shed. However, as I have set out above, the proposal is more akin to a 'hospital unit' which would provide temporary accommodation for small numbers of animals during treatment, and for isolation purposes. Whilst I note the concerns regarding the design of the building and the use of timber in construction, it would be fit for purpose.
21. The appeal site was muddy at the time of my visit and ground conditions in the immediate environs of the proposed building were not conducive to grazing. Nonetheless, livestock have unrestricted access to lush pasture to the north-west. This area is out of view from the road and this may explain why residents have not seen sheep on the site itself.

22. I note the concerns regarding the potential impacts on residential amenity. However, the nearest dwelling is some distance away from the appeal site. The proposed development would not give rise to unacceptable levels of noise or odour for residents. Furthermore, the development would not be likely to generate significant additional traffic movements along the lane, and as such it would not be materially harmful to highway safety.
23. Concerns are raised regarding other buildings on the Estate and elsewhere which have been redeveloped for other uses or otherwise taken out of the agricultural unit. Reference has also been made to past breaches of planning control. Although I have taken this information into account, it does not alter my findings on the main issues.
24. I have had regard to all other matters raised in representations, including the effect on wildlife habitats, but none is of such strength or significance as to outweigh the considerations which led me to my decision.

Conclusion

25. I have found that the proposal would not cause unacceptable harm to the character and appearance of the area and that it would be justified in agricultural terms. On this basis, for the reasons given above, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephen Taylor	Cricket St Thomas Estate
Andrew Preston	Greenslade Taylor Hunt (agent)
Philip Hodgkin	Greenslade Taylor Hunt
Michael Moulard	Tenant farmer

FOR THE LOCAL PLANNING AUTHORITY:

Mike Hicks	Planning Officer
Sue Osborne	Ward member

Documents submitted at the hearing

1. Letter from Synergy Farm Health (undated)
2. Letter from Charles Clark, partner at Greenslade Taylor Hunt
3. Written statement from Winsham Parish Council
4. Extract from MAGIC Maps showing extent of ancient woodland designation
5. OS Landranger map with Cricket registered park and garden overlaid
6. Map showing Cricket registered park and garden and boundary of Cricket St Thomas Estate
7. Photographs of livestock in Whitedown Barn

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 1513L-PL-01, 1513L-PL-02 and 1513L-PL-03.
- 3) The development hereby permitted shall be used solely for agriculture and for no other purpose.
- 4) No later than within the first planting season following the substantial completion of the building hereby approved a soft landscaping scheme shall be completed in accordance with details that shall have been first submitted and approved in writing by the local planning authority. The details submitted shall include the species, planting densities and planting heights of all new planting. 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.
- 5) No means of external lighting shall be installed on or within the building hereby approved or operated on any part of the site unless details of that lighting have been submitted to and approved in writing by the local planning authority. All new lighting shall be installed in accordance with the approved details, and thereafter shall not be altered without the prior written agreement of the local planning authority.



Costs Decision

Hearing held on 13 February 2019

Site visit made on 13 February 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2019

Costs application in relation to Appeal Ref: APP/R3325/W/18/3207115 Land at Weston Ground Plantation, Cricket St Thomas, Chard TA20 4DH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Cricket St Thomas Estate for a partial award of costs against South Somerset District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for erection of agricultural building for livestock accommodation and storage use.
-

Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process.
3. The application for a partial award of costs is predicated on the basis that the Council made a fundamental error in treating the appeal site as designated ancient woodland. The appellant asserts that this incorrect assumption has heavily influenced the authority's landscape architect and the final decision to withhold planning permission – as evidenced by the reference to ancient woodland twice within the reason for refusal.
4. The Council accepts that it was mistaken in treating the site as ancient woodland. This significantly weakened its position in relation to the alleged conflict with saved Policy EQ6 of the South Somerset Local Plan. Nevertheless, the underlying concern was in relation to the effect of proposed development on the character and appearance of the area. The fact that Weston Ground Plantation was not ancient woodland did not automatically render irrelevant the Council's concerns regarding the introduction of built form and activity into this rural setting, or the impacts on the registered park and garden.
5. Ultimately, I have taken the view that there would be no material harm to the character and appearance of the area. However, this required exercise of planning judgement. Notwithstanding the wording on the decision notice, the Council's concerns did not hinge purely on the ancient woodland issue. Given the level of subjectivity involved in making assessments on this disputed

matter, and the interrelationships between the issues, I do not consider that an award of costs would be justified.

6. Accordingly, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. For the reasons given above, I refuse the application for an award of costs.

Robert Parker

INSPECTOR

Agenda Item 11

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Specialist - Planning
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

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 6.15pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.05pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	WINDWHISTLE	18/03373/COU	Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles	Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard	Mrs Helen Godbear Dearden

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.

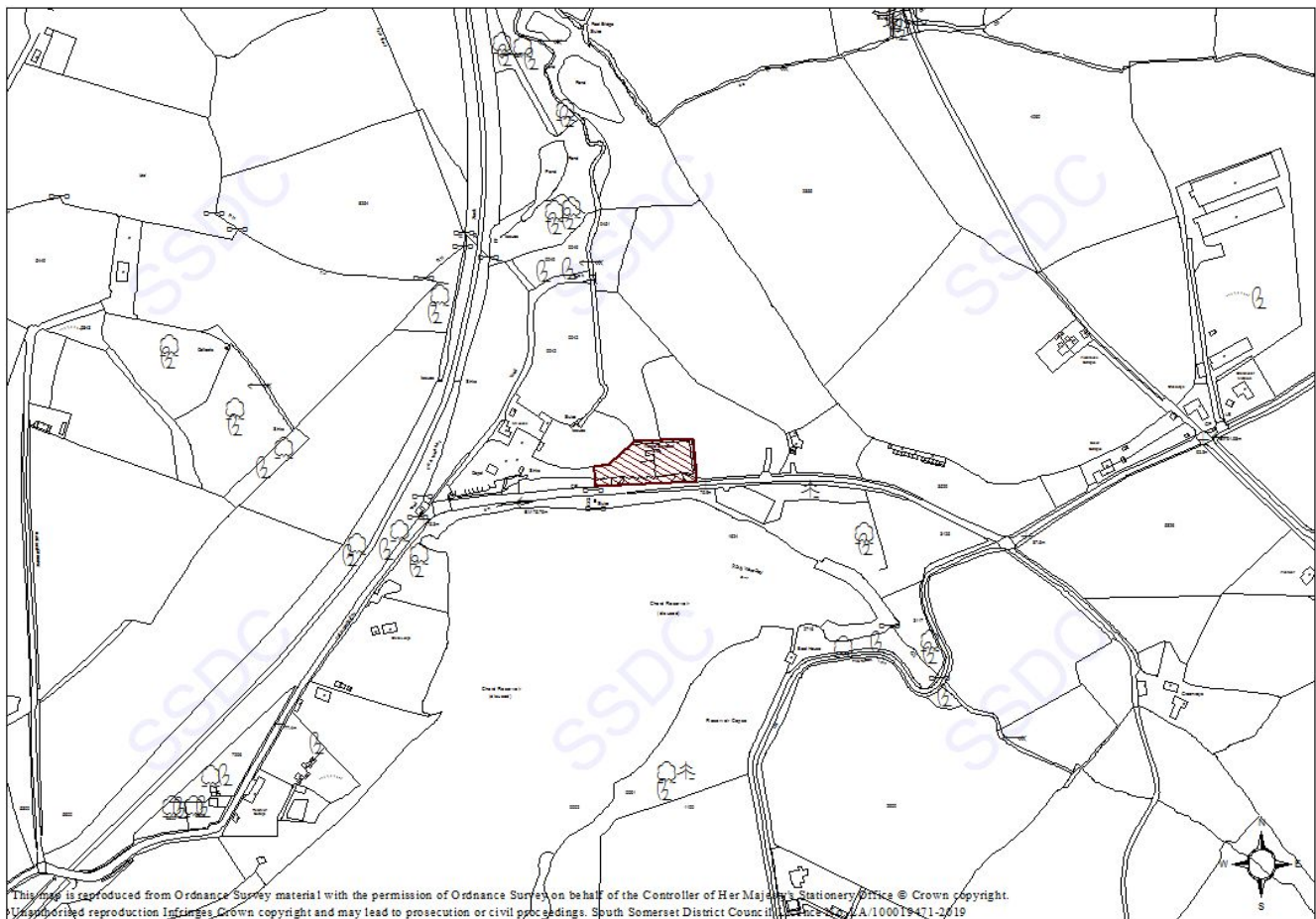
Agenda Item 12

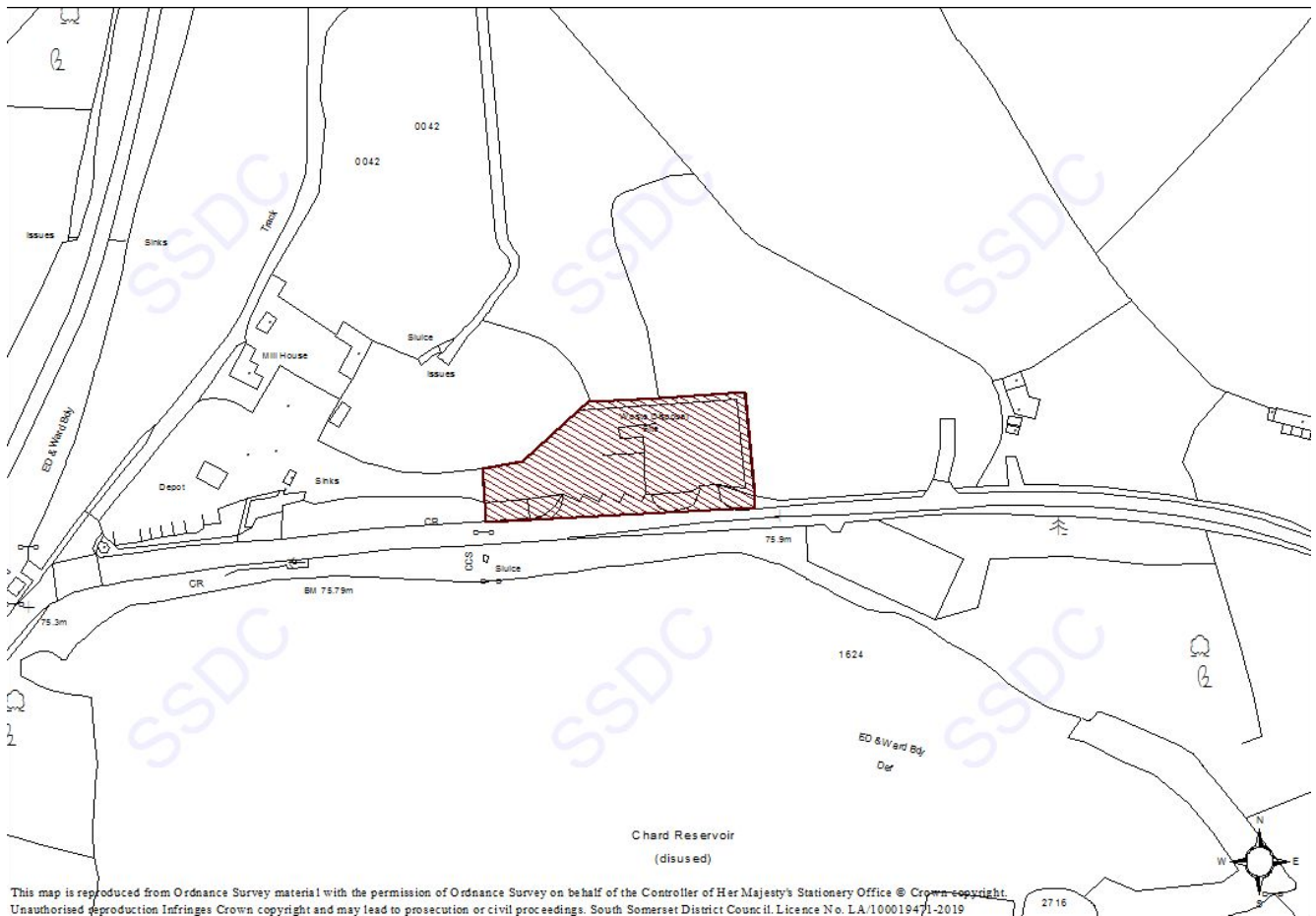
Officer Report on Planning Application: 18/03373/COU

Proposal :	Change of use of existing transfer station site to aggregate storage/sales and parking of heavy goods vehicles
Site Address:	Chaffcombe Waste Transfer Station, Chaffcombe Road, Chard.
Parish:	Chaffcombe
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	17th December 2018
Applicant :	Mrs Helen Godbear Dearden
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE:

To enable consideration of the highway and visual impact issues.





SITE DESCRIPTION AND PROPOSAL

The site is located on the north side Chaffcombe Lane, to the north east of Chard and comprises the old Council householder recycling site. It is split over two levels, the higher level being to the eastern end where access is proposed. There is a vehicular ramp at the northern end of the site connecting the two levels. It is proposed to change the use of the site to provide an extension to the adjacent business unit to the West, an aggregate merchant and general haulage business. The change of use would allow the change of use to aggregate sales/storage and for the parking of heavy goods lorries which is a generis use. The site is currently unoccupied. There is a residential dwellinghouse to the north west of the existing business unit to the west of the site known as Mill House.

HISTORY

10/04429/S73 - Application to vary condition No 2 of planning approval 09/04801/FUL to amend the south west elevation of the vehicle store/workshop - Permitted with conditions
 09/04801/FUL - The erection of a vehicle store/workshop, dry materials stores, temporary office accommodation building and portable WC (retrospective)
 09/02309/FUL - Change of use of premises from a general depot to a gravel/sand merchant. (Use class sui generis) - Permitted with conditions.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

- Policy SD1 Sustainable Development
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EP4- Expansion of existing businesses in the countryside

National Planning Policy Framework (2018)

Chapter 2. Achieving sustainable development

Chapter 4. Decision-making

Chapter 6. Building a strong, competitive economy

Chapter 9. Promoting sustainable transport

Chapter 11. Making effective use of land

Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Chaffcombe Parish Council: (second response):

1. There is no additional information other than showing where lorries will be parked.
2. Councillors are concerned that this site is not suitable for the access and egress of large articulated lorries, particularly from the entrance in front of the reservoir.
3. Councillors are also very concerned about the sluice bridge. There is nothing in the plans to show that the sluice bridge has been investigated to ensure that it is safe for an increase in heavy traffic.

First response:

There have been a number of concerns raised by local residents, particularly those living closest to the location. These mainly concern the current use of the adjoining site which is already operating in accordance with the planning consent previously received. Residents are concerned that by granting this application the situation could be made worse by further developing the site. Having listened to comments from both objectors and from the applicant, the majority of the members of the Parish Council feel that granting consent to this application will not make the situation worse for the nearby residents.

However councillors have expressed some concern about the sluice bridge because this is going to get

more heavy traffic if the application is granted. As for the operating hours as long as they keep to their existing trading hours as in opening to the public the majority of the members of the Parish Council do not feel the extra lorry movements will be a problem. On that basis the majority of the members of Chaffcombe Parish Council do not object to the application.

One member of the Parish Council does have objections and will be writing to the Planning Department personally.

Other residents have also been advised to write personally to Planning to express their views.

County Highway Authority:

As a recycling centre this site could already realise a level of traffic associated with public vehicles, and larger refuse wagons delivering or collecting skips. Having regard to the fact that the application details state there would be limited vehicle movement connected with the change of use, and those lorry movements which do occur will be outside peak times, this Authority does not consider the proposal will create a severe impact on highway safety or efficiency. In the event of permission being granted, this Authority would recommend that the following conditions are imposed:-

The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to occupation, and thereafter maintained until the use of the site discontinues.

Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access shall be modified to ensure two lorries can pass within the access point and not be a hindrance to existing highway users.

The dwelling hereby permitted shall not be occupied until suitable parking spaces and an area for vehicle turning have been provided in a position approved by the Local Planning Authority. The said parking and turning facilities, shall be provided in accordance with current policy standards, and the access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles or for the purpose of access.

Prior to occupied provision shall be made within the site for the loading and unloading of goods vehicles, for which details shall have been submitted to and approved in writing by the Local Planning Authority. The loading bays shall thereafter be retained in perpetuity.

There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reasons: In order to provide the new use with suitable access, parking facilities, loading and unloading bays, and a vehicle turning area to ensure the vehicles associated with the site are able to ingress and egress in a controlled manner, in the interests of highway safety and efficiency and in accordance with policy TA5 of the South Somerset Local Plan.

SSDC Countryside Service:

The Countryside Service of SSDC draws the attention of the applicants and the planners to the fact that

the site covered by the Planning Application (18/03373/COU) is the downstream face of a 12m high dam retaining a reservoir of some one million m3 of water. As such:

1. The site is subject to the requirements of the Reservoirs Act 1975
2. The purpose of this legislation is to ensure the safety of the dam retaining the reservoir, and prevent a catastrophic release of water from the reservoir with adverse effects on those living downstream
3. As changes in ground levels or drainage arrangements on the site covered by the Planning Application may destabilise the dam such changes will require the consent of an All Reservoirs Panel Engineer acting on behalf of the Undertakers (South Somerset District Council)

The Countryside Service of SSDC asks that the following condition be included in any consent:

"As the site is the downstream face of a large raised reservoir which comes under the Reservoirs Act 1975 the planning consent is subject to any proposed change in ground levels or drainage arrangements being accepted by an All Reservoirs Panel Engineer (ARPE) appointed on behalf of the Undertaker (Countryside Service of SSDC). It should be noted that a proposed change may not be acceptable, such that an alternative arrangement which is acceptable to the ARPE may have to be adopted"

REPRESENTATIONS

Following the original consultation and the re consultation, representations have been received from 26 individuals, 24 objecting and 2 making general representations. The following comments are made:

- Increase in HGVs will not be appropriate
- Concerns over conflict with leisure users- safety concerns
- Generally inappropriate location- use should be on an industrial estate
- Area of natural beauty, peaceful location
- Concerns over unrestricted hours- impact on residential amenity
- Increase in traffic could harm the bridge
- Vehicle movements should be restricted if permission is granted
- Concerns over safety of the bridge

CONSIDERATIONS

Background to the site and proposal:

The site consists of the former waste recycling facility. The site has been vacant for several years and would be considered as a brownfield site. In terms of policy the principal consideration is Policy EP3 which relates to the expansion of existing businesses in the countryside. This states:

Proposals for the expansion of existing businesses in the countryside will be permitted where:

- The business has been operating successfully for a minimum of 3 years, and is a viable business;
- It is demonstrated that the proposal is needed in this location;
- The proposal is of a scale appropriate in this location and appropriate to the existing development;
- Existing buildings are reused where possible;
- Firstly, use is made of land within the curtilage of the development where possible, and outside of the curtilage only where it is demonstrated that additional land is essential to the needs of the business;
- There is no adverse impact on the countryside with regard to scale, character and appearance of new buildings and/or changes of use of land;
- There is no adverse impact upon designations for wildlife and conservation reasons, at either local, national or international level; and
- The proposed development ensures that the expected nature and volume of traffic generated by

the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the road network in terms of both volume and type of traffic generated.

The existing business consists of a general haulage business and aggregate sales. The haulage business is understood to currently consist of 6 articulated vehicles and the aggregate sales are carried out by customers collecting from the adjacent premises or by the business delivering using their tipper trucks. Currently due to operating restrictions imposed by Vosa, the applicant is not able to operate vehicles from the existing site outside the hours of 06.30 and 18.00.

Currently the applicant rents a space on the industrial site at Cricket St Thomas for the parking of their vehicles outside these hours, however the landlord has served notice on the applicant. The application is therefore primarily to facilitate the parking/collection of vehicles, mostly at the beginning and end of each working day. The operators vehicles consist 6 articulated lorries for general haulage and 4 rigid axle trucks for aggregate sale deliveries. It is understood that the articulated lorries are a maximum length of 13 metres.

The general principle of the development is dependant on assessment against policy EP3 and this is discussed in the relevant sections below.

Policy EP3:

Having regard to the requirements of Policy EP3, the sustainability of the business is accepted as it has been operating for over three years on the adjacent site. The application is made primarily to enable the business to park their vehicles on their site but also for some aggregate sales to take place.

The previous use as a recycling centre would have generated a relatively high number of vehicular movements, both small and large vehicles. The proposed use would be relatively low key, given the size of the site and the number of vehicles to be parked. Chard reservoir on the opposite side of the road, There is a wildlife site on the opposite side of the road which would not be adversely affected by the development.

The proposal would be entirely contained within the existing brownfield site, is well enclosed and would form a natural extension to the existing operation. Whilst there would be some increased visual impact from the HGV lorries, given the above considerations it would not result in harm to the local or wider landscape. The applicant has proposed some soft landscaping to the site frontage which would assist in providing some screening to the site.

Having regard to the above it is considered that the proposal would accord with Policy EP3 in relation to the principle of development and the impact on the character of the area.

Residential amenity:

The primary issues relate to the impact on general local amenity as a result of vehicle movements and the impact on the nearest dwelling, Mill House. There has been a history of complaints from the existing adjoining dwelling, Mill House about noise and dust as a result of the existing aggregate sales. The applicant has stated that the application would provide some new aggregate bays within the area shown on the site plan and that the best selling product in the existing site to be relocated. These would be in a position approximately 100 metres from Mill House as opposed to approximately 20 metres with the existing site. This would be a theoretical benefit in terms of the impact on the existing dwelling. The applicant has stated that they do not envisage a larger customer base as a result of the additional bays, however theoretically additional bays could result in a greater number of vehicular movements. On balance, a condition is considered appropriate to restrict the use of the largest bay, closest to the adjacent dwelling to exclude the sale of loose aggregate. This is the most problematic product in relation to dust and it is considered that this would be a benefit to the adjacent occupiers.

The existing site is subject to an hours of operation condition which is 7am Monday to Friday and 8am on Saturday due to its proximity to Mill House. The applicant has requested unrestricted operating hours for the new site on the basis that they cannot guarantee that after a delivery or a haulage job, the vehicles would return during normal business hours. The vehicular movements are not considered to be sufficiently significant to be of a concern in terms of the impact on the amenities of the nearby dwelling given the distance involved. It is nevertheless considered reasonable to carry across the hours of operation for aggregate sales to the new site to limit other associated activity such as customer visits etc.

Highway Impacts:

The Highway Authority have been consulted and do not object to the application subject to conditions. Given that the previous use would have generated a relatively significant number of vehicular movements the likely movements resulting from the application are not considered to be sufficiently significant to warrant refusal.

Requested conditions include matters such as a vehicle tracking diagram for the HGV lorries, provision of turning and loading space and visibility. The Highway Authority have requested that a condition is included to agree HGV tracking within the site to ensure that the entrance and site accommodate the vehicles safely. This exercise will require the applicant to submit further technical detail to demonstrate that vehicles can be safely manoeuvred within the site and that there are no adverse impacts on the safe functioning of the access.

The applicant has stated that they would intend to park 6 articulated vehicles and 4 rigid tipper trucks within the site. It is understood that the largest of these are 13 metres long and that all of the vehicles are intended to be parked on the upper section of the site.

Subject to the above conditions, it is considered that the proposal would comply with Policies TA5 and TA6 of the South Somerset Local Plan (2006- 2028).

Conclusion

Overall, the proposal is considered to provide an acceptable commercial re-use of the site, satisfies highway safety concerns and is not considered to cause any unacceptable harm to the residential amenity of the occupiers of the residential properties in the vicinity. Therefore, the recommendation to Members is to grant planning permission for the proposed change of use.

RECOMMENDATION

Grant permission with conditions

01. The proposed change of use is considered to be an acceptable form of commercial development, respects the character of the area and is not considered to be detrimental to highway safety or cause any unacceptable harm to residential amenity, in accordance with the aims and objectives of policies EQ2, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

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. No operations, other than lorry movements and deliveries, shall be carried out at the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

03. All lorry movements for access and egress to the site outside the hours of 07.00 hrs and 18:00 hrs Monday to Friday and 08:00 hrs and 13:00 hrs on Saturdays shall be made through the primary access off the highway illustrated on the approved block plan. There shall be no vehicular access to the site outside the above hours via the existing commercial site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. Prior to their installation, details of the aggregate bays in general accordance with the site plan shall be submitted and approved in writing. There shall be no further development of aggregate storage within the site without the prior express grant of planning permission.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

05. 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 to include details of planting to the road frontage, 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; any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the amenities and character of the area to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

06. All Plant and machinery shall be fitted with effective silencers, details of which shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented before the development hereby permitted is first commenced and thereafter fully maintained.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

07. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

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

08. No manufacturing, fabrication or other industrial process, including soil riddling shall take place outside the confines of the buildings on the site.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

09. There shall be no burning of any produce of material whatsoever on the site other than in a properly installed incinerator within a building.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

10. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land other than between the hours of 08.00 hrs and 18.00 hrs Monday to Saturday.

Reason: To safeguard the amenities and character of the area and in the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

11. Before the development hereby permitted is commenced the applicant shall provide information to the Local Planning Authority on the access point to the site, including autotrack drawings for the largest vehicles to use the site showing the access can be used efficiently. In the event of conflicts arising, prior to occupation the existing access and parking space locations shall be modified to ensure two lorries can pass within the access point and not be a hindrance to existing highway users. The access and parking and turning shall be implemented and retained in perpetuity in accordance with the approved details'.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan (2006-2028).

12. Prior to the commencement of the use hereby permitted is commenced, a scheme for the relocation of existing loose aggregate from the existing site shall be submitted and approved in writing by the Local Planning Authority. Following the commencement of the permitted use, the affected existing aggregate bay shall not be used for storage of loose aggregate and shall be retained as such in perpetuity.

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