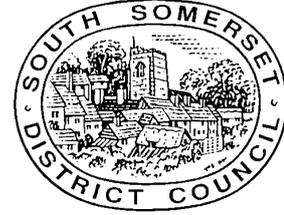


**South Somerset District Council**

*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 27th February 2019**

**2.00 pm**

**Council Chamber, Council Offices,  
Brympton Way, Yeovil BA20 2HT**

(please note the change of venue)

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



---

The following members are requested to attend this meeting:

Clare Paul  
Neil Bloomfield  
Adam Dance  
Graham Middleton  
Tiffany Osborne

Stephen Page  
Crispin Raikes  
Jo Roundell Greene  
Dean Ruddle  
Sylvia Seal

Sue Steele  
Gerard Tucker  
Derek Yeomans

Consideration of planning applications will commence shortly after 2.00pm

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Tuesday 19 February 2019.

*Alex Parmley, Chief Executive Officer*



This information is also available on our website  
[www.southsomerset.gov.uk](http://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 North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website  
[www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

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

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint)

by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

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

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

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

## **Recording and photography at council meetings**

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

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

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

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

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2019.

# Area North Committee

## Wednesday 27 February 2019

### Agenda

#### *Preliminary Items*

**1. Minutes**

To approve as a correct record the minutes of the previous meeting held on 23 January 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 Clare Paul, Graham Middleton and Sylvia Seal.

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 of next meeting**

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 27 March 2019** at a venue to be confirmed.

**5. Public question time**

**6. Chairman's announcements**

**7. Reports from members**

*Items for Discussion*

8. **Area North Committee Forward Plan** (Pages 6 - 7)
9. **Planning Appeals** (Page 8)
10. **Schedule of Planning Applications to be Determined By Committee** (Pages 9 - 10)
11. **Planning Application 17/04604/FUL - Probiotics International Ltd, Lopenhead, South Petherton** (Pages 11 - 35)
12. **Planning Application 18/03322/FUL - Homelea, Broadmead Road, Beercrocombe** (Pages 36 - 42)

**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 8

## **Area North Committee – Forward Plan**

*Director:* Netta Meadows, Strategy and Support Services  
*Officer:* Becky Sanders, Case Services Officer (Support Services)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

### **Area North Committee Forward Plan**

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

***Background Papers:*** None

---

## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
Mar '19	Community Safety & Neighbourhood Policing	Verbal update from representatives of Avon and Somerset Police.	Avon and Somerset Police.
<i>Mar '19 TBC</i>	<i>Community Grants</i>	<i>To consider a grant application from Lethbridge Recreation Field Committee (Shepton Beauchamp).</i>	<i>Adrian Moore, Locality Team Debbie Haines, Locality Team Leader</i>
<i>Mar '19 TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>Conservation Officer</i>
<i>Mar '19 TBC</i>	<i>Buildings at Risk (Confidential)</i>	<i>Routine update report.</i>	<i>TBC</i>
Jun '19	Appointments to Outside Bodies	New municipal year – appointment of members to working groups and outside bodies.	Becky Sanders, Case Services Officer (Support Services)
Jun '19	Revised Scheme of Delegation – Development Control, Nomination of Substitutes for Chairman and Vice Chairman for 2019-20	New municipal year – appointment of two members to act as substitutes.	Becky Sanders, Case Services Officer (Support Services)

# Agenda Item 9

## **Planning Appeals**

*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**

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

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

None

## **Appeals Dismissed**

None

## **Appeals Allowed**

None

---

# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery  
Service Manager: Simon Fox, Lead Officer (Development Management)  
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 North Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

### *Planning Applications will be considered shortly after 2.00pm*

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.55pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	SOUTH PETHERTON	17/04604/FUL	Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping.	Probiotics International Ltd, Lopenhead, South Petherton.	Probiotics Int. Ltd.
12	ISLEMOOR	18/03322/FUL	Additional of a window to end elevation and the change of use of existing stables to house dogs (retrospective)	Homelea, Broadmead Road, Beercombe.	Mr C Radford

Further information about planning applications is shown on the following page 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 has 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 11

## Officer Report On Planning Application: 17/04604/FUL

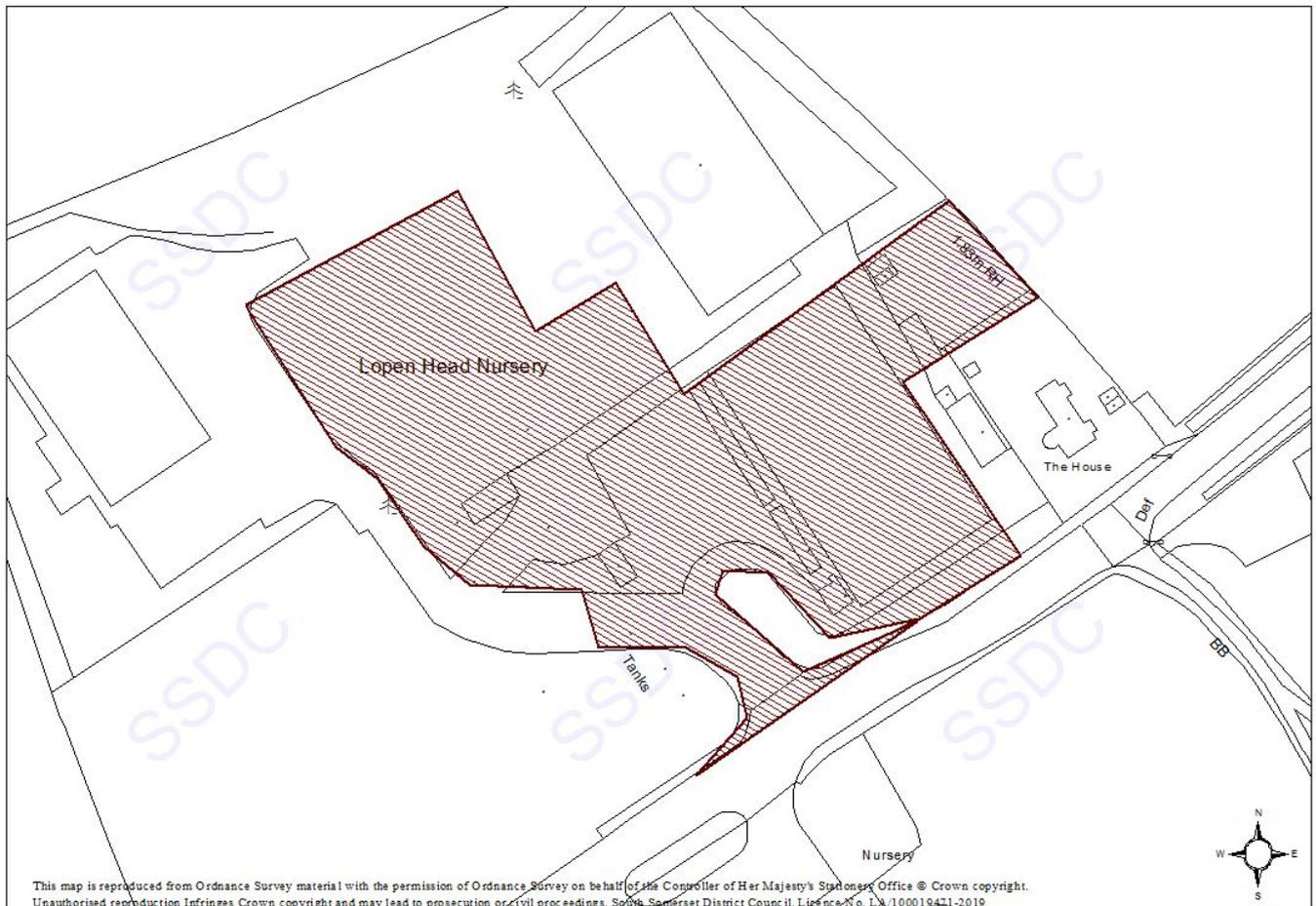
<b>Proposal :</b>	Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping.
<b>Site Address:</b>	Probiotics International Ltd, Lopenhead, South Petherton.
<b>Parish:</b>	Lopen
<b>SOUTH PETHERTON Ward (SSDC Member)</b>	Cllr Adam Dance Cllr Crispin Raikes
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	2nd March 2018
<b>Applicant :</b>	Probiotics International Ltd
<b>Agent: (no agent if blank)</b>	Mr Matt Frost, Boon Brown Planning, Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Major Manfr f/space 1,000 sq.m or 1ha+

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee at the request of the ward members and in agreement with the Chair in order for a full discussion to take place in respect of the need and scale of the building, highways, landscape and residential amenity impacts.

### SITE DESCRIPTION





This 0.95 hectare site forms part of the former Lopen Head nursery, on the northern side of the old A303, approximately 1km from Lopen and 2km from South Petherton. The site is located to the front (southern part) of the former nursery site, fronting the road (old A303). Other than vegetation throughout the site, it currently contains a mix of large derelict glasshouses, outbuildings and structures previously used in connection with the nursery.

To the immediate north and west are the existing Probiotics buildings and LiftWest business. To the lower eastern boundary are a couple of dwellings, with fields to the upper half of the eastern boundary. On the opposite side of the road (old A303) is the Trading Post farm shop.

## PROPOSAL

This application has been made by Probiotics International Ltd to demolish the various derelict buildings and to erect a new building for B8 warehouse use along with associated parking and landscaping. Access would be gained via the existing access from the old A303 to the south of the site and along the existing internal road which serves the current businesses. A service yard located towards the front of the site will be accessed off a new access from the existing internal access road.

The proposed new building will be located to the rear part of the currently redundant site and physically adjoin and link with 2 of the existing Probiotics buildings. The new building will have a total floorspace of 3,240 square metres and be similar in terms of design and form to the exiting Probiotics units on site. The building will have a similar height to the 2 existing buildings. It will be significantly longer than the other units previously permitted but will sit in front of Bocks D and E. As viewed from the main road, the

new building would extend across most of the current visible built form mass, with approximately 10 metres visible of current building D and extending 4 metres to the east of current building F.

The scheme will provide 11 additional car parking spaces and, as amended, 4 HGV spaces within the service yard area. The Transport Assessment states that the scheme would generate 4no. HGV movements in the am peak hour and 2no. HGV movements in the pm peak hour.

The new unit will have external materials similar to the current buildings comprising primarily mid grey Kingspan cladding panels and Corus ribbed panel. A green ivy wall is also proposed on a section of the southern (road facing) elevation. Landscaping is proposed around the boundaries of the site with native species with a landscape buffer in the southeast corner of the site.

In addition to the various plans, the application has been supported by a Planning Statement, Design and Access Statement, a Transport Statement, Travel Plan, Ecology Report, Reptile Survey and a Noise Assessment. Further documents have since been submitted including a Landscape Visual Impact Assessment and a letter from the agent addressing/responding to comments received in regard to highway matters and need for the development.

## **HISTORY**

08/00053/OUT - Outline permission granted for development of the allocated employment site for B1 and B2 uses.

08/00248/FUL - Permission granted for the erection of B1/B2 industrial building (first Probiotics building)

08/05122/FUL Permission granted for the erection of B1/B2 industrial building (revision of 08//00248/FUL, the first Probiotics building).

09/03849/FUL - Permission granted for the erection of a building for B1, B2 and B8 uses (second Probiotics building).

09/03030/FUL - Development of land for B1,B2 and B8 use (withdrawn).

08/00053/OUT -Outline permission granted for development of the allocated employment site for B1 and B2 uses.

12/00951/FUL - Permission granted for the erection of a building for B1, B2 and B8 uses for associated infrastructure, parking and landscaping (third Probiotics building).

17/02926/FUL - Permission granted for the erection of a link extension between buildings D and E and construction of an external covered plant area.

17/03007/EIASS - Request for a screening opinion for a warehouse building (B8 USE) and associated works. This is in regard to the fourth Probiotics building (current application). The Council concluded that an EIA was not required.

Also relevant on the adjoining Lift West site are:-

09//00670/FUL - Permission granted for the erection of B1/B2 industrial building (revision of 08/00250/FUL).

08/00250/FUL - Permission granted for the erection of B1/B2 industrial building.

Also relevant are the following screening opinions in relation to environmental impacts that have been given:-

12/00587/EIASS -The Council concluded that an Environmental Impact Assessment (EIA) is not required in support of the proposal (letter dated 21/02/12). The matter was subsequently raised with the National Planning Casework Unit who twice offered the same opinion (13/04/12 and 31/08/12) concluding that the "development proposed is not EIA development".

In view of the issues raised since April 2013 a further screening opinion has been requested:-

14/03151/EIASS - This again concludes that the impacts of the development are not such that a formal Environmental Impact assessment is required.

## **POLICY**

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

### Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)  
SD1 - Sustainable Development  
SS1 - Settlement Strategy  
EP4 - Expansion of Existing Business in the countryside.  
TA4 - Travel Plans  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General Development  
EQ4 - Biodiversity

### Relevant Material Considerations

National Planning Policy Framework (2018)  
Chapter 2 - Achieving Sustainable Development  
Chapter 4 -Decision Making  
Chapter 6 - Building Strong Competitive Economy  
Chapter 9 - Promoting Sustainable Transport  
Chapter 15- Conserving and Enhancing the Natural Environment

Somerset County Council Adopted Parking Strategy

## **CONSULTATIONS**

**Lopen Parish Council:** 2 detailed responses objecting to the development have been received from the Parish Council in regard to the original application, and following the submission of additional plans and information from the applicant. The original letters are available to view on the Council's website. They will also be attached as appendices to this report if the application is requested to be considered by the Area North Committee – please see attached at Appendix 1 (page 25) and Appendix 2 (page 29).

A summary of the points raised by Lopen Parish Council:

- The building is disproportionately large and completely unsuitable for its hill top location.
- Original allocation excluded B8 use
- Combined totals of B8 use for Probiotics would amount to about 60% of the floor space.
- Site is not in a sustainable location.
- Criticism of the Transport Assessment which does not accurately reflect limited public transport, pedestrian and cycling access, nor accurate traffic levels.
- Lack of justification for the building and concerned at the rapid expansion of this business. Concerns about need for future growth/expansion.
- Outside of the original employment allocation and contrary to most of Policy EP4. Hence would be unlawful unless need can be proven. Contrary also to policy SS2.
- Employment need for South Petherton already exceeded by development on this wider site.
- Application should be refused. If approved suggest conditions in regard to limiting hours of working and stronger landscaping control to ensure works fully carried out.

Officer comment: In regard to the Parish Council comments in respect of the additional information, their position remains unchanged and strongly object to the application. Major concerns remain about the scale of the building, the inadequate landscaping proposed, visibility in the landscape, accompanying photographs are taken from carefully selected locations to downplay the visual impact of the buildings, lack of need, traffic and overall cumulative impact.

#### **Adjoining Parish Council:**

##### **South Petherton Parish Council:**

Comments made:

- Original application stated that there would be landscaping which would include trees to screen the site - it is not apparent that this has been done and the PC would like to see this enforced.
- Some Watergore residents worried about the size, visibility and traffic impact of the site.
- Comments from the PC supporting business opportunities, infrastructure and improvement on the look of the site.

#### **Highway Authority (HA) (summary of first response)**

##### Traffic Impact

The principle of commercial development has previously been accepted at this site and, whilst the HA note the significant increase in additional traffic, particularly HGV traffic, and concern about the perception of pedestrian safety along the road, the HA conclude that it is unlikely that it will result in a severe highway impact, the test under the NPPF.

##### Travel Plan

The draft Travel Plan has been audited by the HA and confirm that it is generally acceptable subject to some minor revisions in regard to electric charging points and cycle provision.

##### Parking /access

The car parking provision of 24 would be significantly over the optimum requirement of 11 spaces for parking. 13 lorry parking spaces are required. The Transport Assessment outlines that the parking would be used for plots D and F combined. Parking next to Plot E (outside of application site) appears also to be altered. The TA also mentions that other space is available within the wider site - this should be within the application site area. The submitted details for HGV's are not satisfactory and the HA have asked for clarification of the parking arrangement across the site, including provision for HGV parking and turning.

Access is gained via the current access from the old A303. This can safely cater for HGV's. Swept path analysis required to show safe access for HGV's into the service yard area and a plan needed to show/ensure that no vehicles within the service yard area blocking the entrance to other vehicles. Tracking also required to show safe access to the bin stores north of plot E. Concern overall that HGV's may have to wait on the public highway. Plans require revision to address the above issues.

**Highway Authority: (summary of second and revised response following submission of additional information and plans from the agent).**

**Car parking**

The applicant has noted that an additional 11 spaces is in accord with the adopted parking strategy.

HGV parking arrangements. HGV parking spaces in the service yard area have been reduced from 5 to 4. The plan shows that the westernmost loading bay has been removed. It is now demonstrated that HGV's can manoeuvre in and out of the parking spaces within the service yard area. Distribution of Probiotics goods are undertaken by external haulage providers and there is no need for extensive HGV parking on site. Provision of 4 HGV spaces in the service yard area is acceptable.

**Service yard access junction**

The applicant's plan shows that an HGV can manoeuvre in and out of the proposed service yard access and appropriate visibility provided.

The bin store location is to the north of Plot E, as previously approved.

On the basis of the above, the HA raise no objection to the scheme subject to a condition in respect of the provision of a service yard area visibility splay and advisory notes in regard to the need to secure the appropriate legal agreement/licence from the HA in regard to any works within or adjacent to the public highway.

**Spatial Policy: (summary of first response)**

Whilst noting policy support nationally and locally for the expansion of existing businesses in the countryside, further information is required for the justification and benefits of the development, in particular the need for the scheme. Clarification also sought on the current position in regard to the current and proposed buildings on site.

Officer comment: Following receipt of the above comments, the applicant submitted additional information to support the need for the building and current provision on site. The Spatial Policy officer stated the further information submitted by the agent sets out the need for the proposed development, as requested.

Paragraphs 80 to 84 of the revised NPPF would support the application, particularly 84 - I would draw your attention to the second sentence which requires developments not well served by public transport to not have an unacceptable impact on local roads and exploit any opportunities to make the location more sustainable.

Based on the additional information, you should now be in a position to consider whether the proposal complies with the criteria in Policy EP4 and is mindful of the relevant sections of the revised NPPF.

Officer comment: In regard to opportunities to make the location more sustainable, the applicant has submitted a Travel Plan which has been audited by the HA. They have confirmed that it is generally acceptable subject to some minor revisions in regard to electric charging points and cycle provision.

## **Environmental Health Officer (EHO) (summary of response)**

The EHO is satisfied with the proposed noise mitigation measures outlined in the Noise Assessment Report. Recommends conditions to further protect the amenity of the closest residential property. The recommended conditions relate to the control of burning of any waste or other materials, restriction on hours for loading/unloading of vehicles, and the fitting of noise attenuated reversing alarms on forklifts.

## **Ecologist:**

No objection subject to 2 conditions in regard to the protection of nesting birds and biodiversity enhancement.

## **County Archaeologist**

There are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

## **Natural England (summary)**

No objection to the application. Refer to their published Standing advice for protected species or to consult with the Council's own Ecologist. It is for the LPA to determine if the application is in accord with national and local policies on the natural environment.

## **REPRESENTATIONS**

14 letters/emails have been received in regard to the application raising the following concerns/objections to the development:

- Watergore is not suitable for additional HGV traffic
- Many HGV's travel overnight serving Branston's close to properties
- Detrimental impact on amenity of local residents who live close to the main road.
- Highway Infrastructure not suitable in Watergore, currently a very busy road with lorries thundering past properties.
- Damage to local properties
- Unsafe to walk along this stretch of road
- A link road should be built direct to the A303 to bypass Watergore.
- Need a 30mph speed limit and speed cameras (currently 40 mph) - speed limit often exceeded,
- Road condition is deteriorating.
- Ask the Highway Authority to remove the weight restriction of the old 303 towards Ilminster to relieve the flow of traffic through Watergore.
- Proposed development is disproportionately large and inappropriate for the location
- New building would result in a 45% increase in the built area.
- Warehousing which is contrary to the original employment allocation for the adjacent site will be 5,149m<sup>2</sup>, far exceeds the b1 and b2 uses.
- Harm to landscape
- Support comments of Lopen PC.
- History of the original employment allocation provided.
- Development is not a genuine expansion but a long term pre-planned multi stage development.
- Council have disregarded environmental concerns at the site.
- Questions the validity of some of the statements in the planning statement, in particular that this site meets the allocation in the local plan for employment land in South Petherton.
- Starting point for consideration of the application is the local plan - proposed building is not

supported by the Local Plan.

- Do not agree that the development would not generate additional lorry movements
- Site is not safely accessible to the village due to lack of pavements and lighting
- Cars parked along internal road demonstrate lack of parking spaces within site as a whole
- No scope for landscaping due to scale of building
- Loss of conifer screen not helped reduce noise impact from site.
- Lack of business justification for the new building.

A letter has also been received from the Campaign for the Protection of Rural England (CPRE). Their preference is for such development to be located on brownfield land in urban rather than rural areas. Acknowledge that the site has seen extensive development and the impact on the countryside has already taken place. However, concerns raised about the scale of the building, site outside of original employment allocation, significant B8 use, little employment creation, previous landscaping not fully implemented and needs landscaping to soften the appearance of the scheme.

1 letter has been received following submission of the additional information raising the following objections:

- Landscape has always been a major issue on this site. Removal of boundary confers was contrary to the employment allocation.
- Landscaping report commissioned in 2014 by the contributor shows inadequate planting at the site - previous landscaping not implemented.
- Buildings are not screened by topography, clearly visible.
- Landscape buffer is not adequate
- Appearance of the proposed and existing buildings contrary to local landscape character.
- Development permitted close to site boundary has allowed developer to avoid retention of previous conifer screening.
- Site is publicly visible.
- Proposal is contrary to policy EQ2 of the local plan.
- Travel plan has not been implemented.
- Lack of parking on site
- Lack of adequate access plans further demonstrates the application is unacceptable and beyond the original employment aims for this site.
- Question the need for the building.

## **CONSIDERATIONS**

### **Need**

Strong concern has been raised that insufficient need has been demonstrated to justify support for this large warehouse building. Countering this position, the agent has made the case that the company has grown significantly over the last decade and is clearly a successful business. In terms of figures, the agent has outlined this growth. Total sales over the last 5 years have grown by over 150% to over £30m with 65% of products sold overseas to over 80 countries. In terms of employment, 138 staff are based at Lopen with 178 employed in total. 70% are resident to South Somerset. This development will generate another 15 full time jobs. It is clear from these figures that the company has grown and is forecast to continue. As a result of this growth, there is a need for additional storage space.

The agent has stated that the company has a shortfall of storage space and is currently renting 600m<sup>2</sup> of warehousing at Ilton. Whilst this off site storage clearly solves a short term need, it is not an efficient or economic way to operate, particularly given if there are storage options adjacent to their manufacturing operations. Locating their storage requirements at their Lopen site would reduce traffic

movements and costs. It would also overcome the potential future issue of securing an appropriate long term lease either on the current site at Ilton or finding appropriate storage space elsewhere.

The long term business plan of the company is to increase production space in Building E, with all on site warehousing taking place in the new building (F). This will allow for storage space permitted within E to be transferred to the new unit.

It is accepted that this is a significant sized building and the concerns raised about the need for such a building have been carefully assessed. It is clear that Probiotics have grown quickly and are continuing on this upward path. It is not accepted that the ad hoc growth of physical development on site has been a pre-planned tactic of the company. However, it would not have been unreasonable for the company to look to grow and expand when first starting up on this site. Whilst most businesses seek to grow and provide more employment, this can never be guaranteed and a whole host of issues can prevent or stunt growth. Probiotics started their investment on the wider site not long after the 2008 economic crash and have continue to grow throughout difficult economic times, and projected to grow notwithstanding the current economic uncertainty surrounding Brexit. The storage space to be provided within the new building will clearly not all be required immediately but allow for the continuing production and storage needs into the future. It should be added that the company would not be making a significant investment in their business on this site if there was no need for the new building.

#### **Employment Allocation ME/LOPE/1 and Policy EP4**

Concern has been raised that this development would be contrary to the original Local Plan employment allocation on the adjacent site. It is correct that both the scale of development on the business park as a whole is now much greater than the original allocation proposed, and that it did not allocate for B8 use. The original allocation was to provide sufficient land for the employment needs of South Petherton and surrounding villages. In so far that the site is now host to 2 major employers in the district providing significant employment should be regarded as a success. Further growth beyond the original employment allocation is what is now being sought and assessed.

The Local Plan clearly supports the expansion of existing businesses in the countryside (EP4). It is considered that this scheme meets the various criteria listed under this policy. Whilst it is acknowledged that there are genuine local concerns about the development, in particular the scale, landscape and traffic impact, in the absence of any objection from statutory consultees or service providers it is not considered that there is sufficient evidence to demonstrate that the proposed development would result in significant adverse harm warranting refusal. The NPPF also seeks to support a prosperous rural economy by permitting the sustainable growth and expansion of all types of business in rural areas. It adds that these are not always going to be located in areas that are well served by public transport. On this basis, it is clear that there is policy support both at local and national level for the expansion of business in the countryside.

A point has been raised by the Parish Council that the proposal would result in an unlawful development because it departs from the original allocation. This is not the case. The applicant is entitled to submit the application and for the merits of the proposal to be assessed. The proposed building would not be located on land that formed part of the original allocation. However, it is considered that only limited weight can be attached to the original allocation as it is the expansion of an existing business that is being considered. Policies and circumstances have evolved and changed since the date of the original allocation. It would simply not be correct for the current scheme to be solely assessed against the original allocation given the local and national support for the expansion of business in the countryside.

#### **Highways impact / parking**

Much of the local objection to the scheme has focused upon the volume, speed and additional traffic, particularly HGV traffic, using the Old A303 through Watergore. Having visited the site on a number of

occasions and also having sat in a local property along this stretch of road experiencing the volume traffic, there is no doubt that this is a busy road with a mix of both HGV's and cars/vans. The concern about the speed of traffic is also a genuine concern. However, this is matter for the police and/or County Highway Authority. In terms of the traffic impact of the development, the Highway Authority have fully assessed the Transport Assessment. The TA states that the proposed development would generate 14 total vehicle movements in the am peak with 12 in the pm peak, with 4 (am) and 2 (pm) HGV movements respectively. The Highway Authority have concluded that whilst there would be an increase in traffic, particularly HGV traffic, it would not result in a severe highway impact. The NPPF advises development should not be refused on highway grounds unless the impact is severe.

In regard to parking provision, the Highway Authority originally raised concern about the over provision of car parking and the lack of detail in regard to HGV parking. The agent has submitted additional information which addresses these points. It is explained that the 24 car parking spaces shown on the plans to the rear of building D include the re-positioning of the existing 13 spaces previously approved for building D. The 11 additional spaces are in accord with the adopted parking strategy and are acceptable. Concern has been raised by local residents that there is insufficient parking across the site. However, permission for Plot D predated the 2013 parking strategy and the provision was considered to be acceptable. It is accepted that parking does occur on the access road, in a similar manner to parking on many public roads. In this case, the internal access road is a private road and is able to properly function as a service road to the units.

In regard to HGV parking and access to the service yard area, the applicant has submitted additional plans and information which has satisfactorily addressed the original concerns of the Highway Authority. 4 HGV parking spaces have been provided and tracking plans submitted to show that those vehicles can safely enter and exit the service yard area. Whilst the Highway Authority were seeking 13 HGV spaces based on the gross floor area of the development, they have accepted the position that the distribution of Probiotics goods are undertaken by external haulage providers. Accordingly, there is no need for extensive HGV parking on site and provision of 4 HGV spaces in the service yard area is acceptable.

## **Landscaping**

The building will be located to the front of the former nursery site and will result in the removal of derelict glasshouses and associated structures. These have long been a rather unattractive feature at the front of the former nursery and their removal is welcomed. However, as stated previously, the scale of the proposed new warehouse is significant and will clearly be a visual presence on the site. Local objection has been raised about the adverse landscape impact that will be caused due to its mass and scale. Due to the scale of the proposal, the Landscape Officer recommended that the applicant undertake a Landscape and Visual Impact Appraisal (LVIA). Whilst there has been criticism of some of the photographs and viewpoints taken as part of the LVIA, the key viewpoints were as advised by the Council's Landscape officer. The main conclusion of this assessment is that the biggest visual impact of the proposed building would be within close proximity to the building but acknowledges that the development would be visible from a number of, albeit limited locations in the local area.

It is clear that a building of this scale would have a visual and landscape impact. The key question is whether this would result in such significant adverse impact to warrant refusal. The building will be located adjacent to previously approved units on site and from a number of viewpoints will be viewed in the context of established employment units. It has also been designed to reflect that of the other Probiotics buildings. Its height will be similar and have an external finish to match the other Probiotics units. Tree, hedge and shrub planting will also be implemented to soften the impact of the building. For these reasons, it is not considered that the overall landscape impact would be significantly adverse to warrant refusal.

In regard to the points raised about the original confer screen that bounded the wider site, it is correct

that the original employment allocation included retention of the boundary conifer screen. However, when it came to assessing the applications on the wider site, it was advised by the Council's Landscape Officer that it would be preferable to replace the non-native trees with more appropriate planting. The conifer trees were not in very good health with the lower branch sections having died. Importantly, the clear advice was that any new planting would have struggled to grow and compete with the conifer trees. Therefore, on these grounds it was considered appropriate to remove the conifers. Their removal was not to permit the development closer to the boundary of the site as has been alleged, new boundary planting has and will replace the conifers around the previously approved Probiotics units.

With regard to the concerns raised about the incomplete planting approved as part of previous permissions on the wider site, it should be noted that landscaping associated with Probiotics has been fully implemented. Local concern has been raised that this previous landscaping is insufficient. However, the landscaping schemes followed the advice of and agreed by the Council's Landscape officer. It is correct, however, that the full landscaping scheme, primarily the planting of trees, has yet to be implemented to the front and side boundaries of LiftWest, which occupies the other frontage plot, to the west of the current application site. However, the owner has now agreed for the District Council to undertake the planting. The plants and trees have been ordered from the nursery and planting will take place once they have arrived in about 2 or 3 weeks.

### **Residential amenity**

The proposed new unit and its service yard area will be located to the front of the former nursery site. The closest residential properties are located to the north east of the site, close to the road frontage and 3 metres from the site boundary. An acoustic panel fence is proposed along this shared section of the site boundary. In addition, the Environmental Health Officer has recommended that vehicle movements and the loading/unloading of vehicles are restricted to 7.30 am to 7pm Monday to Friday and 8.30am to 6pm with none on Sundays, Public or Bank Holidays. Plus, noise attenuation reversing alarms to be fitted to forklifts. In regard to the proposed hours restriction, it is not considered reasonable to impose restrictions on all vehicles as this has not been considered reasonable to impose previously. However, it is agreed that this restriction is applied to all HGV movement and loading/unloading within the service yard area as this is closest to those residential properties. With these controls it is not considered that the scheme would cause adverse harm to the residential amenity of those nearest residential properties. In addition, it is considered that these HGV restrictions would control HGV movements associated with this development through Watergore during the evening and through the night.

### **Ecology**

The application has been supported by an Ecological Assessment and reptile assessment. The Council's Ecologist has assessed the accompanying reports. He confirms that reptiles weren't recorded on site and the assessment didn't identify any particularly significant constraints or issues. He also advises that nesting birds, and significant habitat for nesting birds, were recorded. He agrees with the recommendations of the ecology report and recommended 2 conditions in regard to the protection of nesting birds and biodiversity enhancement.

### **Conclusion**

It is fully acknowledged that there are strong local objections to the proposed development and that the scale of the building is significant. However, after careful assessment of the proposal, it is concluded that there are no significant adverse impacts which warrant refusal of the proposed development. It is considered that there is a genuine need for the building in order to allow Probiotics to continue their growth and to provide additional employment.

## **SECTION 106 PLANNING OBLIGATION and COMMUNITY INFRASTRUCTURE LEVY**

The application be approved subject to:

a) The prior completion of a section 106 planning obligation (in a form acceptable to the Council's Solicitor(s) before the decision notice granting planning permission is issued, the said planning permission to cover the following terms/issues:

1) Submission of a Travel Plan.

CIL is not sought for this type of commercial development.

### **RECOMMENDATION**

Grant permission.

01. Notwithstanding local concerns about the proposed development, the benefits of the proposed development in terms of employment opportunities and the contribution to the rural economy stemming from the expansion of an established business adjacent to its existing site, would outweigh any visual, highway and landscape impacts. The scheme, for which a reasonable justification has been made, will provide a satisfactory means of vehicular access, provide sufficient parking, without adverse harm to ecology, local landscape or residential amenity. The proposed development is therefore in accord with Policies SD1, SS1, EP4, TA4, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan, the NPPF and the County Council's adopted parking strategy.

### **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 removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

03. Prior to the first occupation of the building hereby approved, details of measures for the enhancement of biodiversity (e.g. bird boxes, native species planting in landscaping scheme) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

04. There shall be no obstruction to visibility greater than 600 mm above adjoining road level in advance of lines drawn 2.4metres 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 commenced into use 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.

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

Drawing Numbers: 3761/PL03 rev B, 3761/PL01 Rev A, 3761 /PL02 Rev A, 3761/PL04 Rev A, 3761 / PL06 Rev A, 17102/001 Rev A, 17102 TK03, 3761/100 Rev A, 3761-BBA-PL-011 Rev A, 3761/PL05 AND 3761/PL08.

Reason: For the purposes of clarity and in the interests of proper planning.

06. There shall be no burning of any waste or other waste materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority, before the development is brought into use. The use approved shall be carried out strictly in accordance with the details agreed.

Reason: To accord with the NPPF.

07. No HGV movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 07.30 to 19.00 hours Monday To Fridays, 08.30 to 18.00 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

08. Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on site.

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

09. Prior to its installation, details of the acoustic panel fence hereby approved (as shown on plan 3761/100 Rev A) shall be submitted to and approved in writing by the Local Planning Authority. It shall be fully installed prior to the first use of the warehouse building and service yard hereby approved and shall be maintained and retained thereafter.

Reason: In the interests of residential amenity to accord with Policy EQ2 of the South Somerset Local Plan.

10. The approved landscape scheme shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

11. The warehouse building hereby permitted shall not be constructed above base course level until details of all external materials are submitted to and approved in writing by the Local Planning Authority.

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

12. No external lighting shall be installed within the application site unless details have first been submitted and approved in writing by the Local Planning Authority. Any approved lighting shall not be altered without the written permission of the Local Planning Authority.

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

#### **Informatives:**

01. The applicant is advised of the following advice from the Highway Authority:

##### General Works

(As some work relating to this development may need to be undertaken within or adjacent to the existing public highway, the following note should be added to any planning certificate):

The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

- **Section 171 Licence**  
(minor works such as tree works, installation of private street furniture, building/re-building boundary walls on or adjacent to the highway)  
The applicant will be required to secure a licence from the Highway Authority for works on or adjacent to the highway necessary as part of this development, and they are advised to contact Somerset County Council at least four weeks before starting such works.
- **Section 184 Agreement**  
(the construction of, or alterations to, any site access or accesses where these are the only highway works required to be executed to enable the development or if they need to be constructed in advance of the main works under a Section 38 or 278 Agreement)  
The applicant will be required to enter into a suitable legal agreement with the Highway Authority for the highway works that will be carried out as part of this development, and they are advised to contact Somerset County Council to progress this agreement well in advance of the development starting.
- **Additional Bin Store**  
If the applicant wishes to provide a further bin store, then they must supply appropriate drawings that demonstrate its accessibility for refuse collections.

Development Management  
Council Offices  
Brympton Way  
Yeovil  
Somerset  
BA20 2HT

FAO Mr Andrew Gunn  
By email

26th January 2018

### **17/04604/FUL Probiotics International Ltd**

**Lopen Head Business Park: Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping. (Proposed building F)**

Dear Mr Gunn,

Lopen Parish Council considered this application at length during our meeting on 22nd January. The council voted unanimously to strongly object to the application for the following reasons:

#### **Size:**

**LPC considers that the building is disproportionately large and completely unsuitable for its hill-top, skyline location.**

The proposed "Building F" is shown variously as 3,240m sq and 3,265 m sq. Even at the smaller figure it would lead to a 45% increase in the built area of the whole Lopen Business Park site (5 buildings existing), or 66% of the Probiotics International section of the site (3 buildings existing).

We consider that this is at completely odds with the SSDC Local Plan 2006-2028 policy EP4 which states: *Proposals for the expansion of existing businesses in the countryside will be permitted where:*

- *The proposal is of a scale appropriate in this location and appropriate to the existing development;*
- *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*

We fail to see how a 45% increase with this single building can possibly be considered as "*a scale appropriate*" either to the existing development or the location. Especially so when following directly on from the construction of Building E, itself very large at 2,558m sq. These two buildings combined would represent a 125% increase over what stood at this location at the end of last year.

The applicant is clearly aware that size is excessive. It is clearly stated that "*landscaping is a key component of the design proposals*". Given the size and hill top location of the building, and additional to the 2558m sq building E, still under construction, adequate softening and concealment is a very big ask, even impossible. The evidence is in the earlier buildings which, though far smaller, are still very prominent in the landscape.

In any case, it is difficult to take any promise of landscaping and screening seriously when the measures promised and conditioned in each of the six major permissions previously granted for this location over the last 10 years have either still not been properly implemented or completely ignored, in spite of regular prompting.

#### **Usage:**

When this site was first earmarked for employment use under the previous local plan (in spite of being strongly opposed by a National Planning Inspectorate report in 2003), it was supposed to be for the purpose

of providing small units for small local businesses. Accordingly, usage class was limited to B1/B2. B8 usage was excluded as it is known to give lower levels of employment per built area, lower quality employment and higher levels of HGV traffic compared to B1/B2 usage and was thus considered to be unsuited to the location.

The initial addition of limited and partial B8 use when permission was granted for building D was hugely contentious locally, as was the further limited and partial B8 use allowed in Building E. This new 3,240 m sq application, for solely B8 use, increases the B8 use area on the Business Park by more than 200%. This would mean that almost 60% of the building area (C - F) occupied by Probiotics, or 46% of the total build area on the whole site (buildings A- F) would be for B8 use.

From the original outline permission:

**APPLICATION NO 08/00053/OUT DATE VALID 8 January 2008**

*05. The development hereby permitted shall not be used other than for those activities which fall within the definition of Class B1 and B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.*

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

### **Sustainability:**

The application documents make various claims about the sustainability of the site relating to access by foot, bicycle and public transport. These are similar to those made for previous applications, which LPC challenged in detail at the time. In short, no reasonable, objective person would agree that this site is truly, conveniently accessible by any other means than motor vehicles.

It is not even possible to walk the few hundred metres from Watergore, the closest settlement, on a sealed path.

We also note that in spite of including text from SSDC policies within their Transport Assessment, requiring parking spaces to include charging points for electric/hybrid vehicles, the applicants don't actually propose to provide one, single charging point.

### **Transport and Traffic:**

We find the Transport Assessment document to be worthless. It includes passages from SSDC policies, which merely serve to demonstrate that the proposal complies with very few of them. It provides vague statements about the potential for public transport, pedestrian and cycle access, which are not credible. It does not even get the current speed limits on the roads adjacent to the site correct. Since the assessment was written, the failure of Nippy Bus has reduced the public transport opportunities still further.

It completely fails to inform on what level of traffic increases might be expected:

- Elsewhere in the supporting documents it is implied that the existence of more onsite warehousing might allow transport movements to be reduced. This seems highly improbable, especially against a background of massive business expansion.
- Their stated baseline for the whole of Lopen Head Business Park is 10 HGVs and 16 vans per day.
- They then use projected data from TRICs figures showing that 3,240m of B8 warehousing "*has the potential to generate 200 vehicle movements over a weekday daily period of which 104 (52%) are anticipated to be HGVs.*" This is a tenfold increase in HGV movements - especially significant for Watergore residents since weight limits on surrounding roads mean that the only HGV route to/from the site is through Watergore.

- Elsewhere, in the Noise Assessment, the figure of 50 HGV movements per day is used, so we really have no idea what the true traffic level might be .

We find this lack of clarity on expected traffic levels completely unacceptable and don't see how the application can be properly considered without this information. However, even if "only" a fivefold increase in HGV traffic, we consider it far too high to be acceptable and at odds with SSDC Policy EP4 which requires that:

- *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.*

It should also be noted that for local residents, especially those in Watergore, additional traffic generated by this proposal is on top of the cumulative effects of increased heavy traffic brought by the expansion of the Branstons Potatoes site and the new AD plant at Frogmary Green farm. No wonder there have been many objections raised by Watergore residents.

### **Local need:**

LPC don't consider the SSDC EP4 requirement "*It is demonstrated that the proposal is needed in this location*" to be met.

No real attempt is made to justify local need beyond the commercial convenience of Probiotics International Ltd.

Also; while Probiotics International Ltd are clearly a very successful company, their need to expand their floor area to such a great extent in just 8 years is astonishing and alarming. Building E, still under construction at time of writing, already doubles their original area. Buildings E & F combined represent an overall increase of 243%, almost 2.5 times, compared to the floor area of their original buildings, opened in 2010.

This raises obvious concerns for the future should this rate of expansion continue.

It is also interesting that they claim that the expansion is mainly driven by the need for on-site warehousing. Elsewhere in industry there is a trend to do the opposite, with many companies opting to use subcontract warehousing services to handle their storage and distribution. Closer to home there are industrial land allocations on brown-field sites at the west end of Ilminster (ME/ILMI/3 & ME/ILMI/5) with excellent road links.

It is also worth noting that in terms of providing employment benefit to the local area, it is stated that this building is only expected to provide employment for a further 8 staff, which seems a very poor return for such a massive structure.

### **Legality**

The land that this proposal relates to is outside the saved plan ME/LOPE/1 and is therefore not allocated in the local plan. In fact the current Local Plan makes clear that the remaining requirement for employment land in this area is to "promote an alternative to the Lopen Head Nursery site".

As already detailed, we consider that the application fails to meet the majority of the requirements of the SSDC policy EP4.

Therefore development here will be unlawful unless material need can be shown. We do not believe that material need is demonstrated.

We also believe that any further development here should be considered as falling within a rural settlement and should therefore be considered under the SS2 rules, which it clearly does not meet.

It is claimed that the site will contribute to employment land targets for South Petherton (as a rural centre with a target), though they don't seem entirely clear whether the site is related to South Petherton or to Lopen, which, as a rural settlement, has no target. In any case, South Petherton's target for the district plan 2006 to 2028 has already, with 10 years still to run, been exceeded due to the earlier developments at this site. The current and recent draft review of the district plan contains the statement:

*The current Local Plan requires a minimum of 2.47ha of employment land to be developed over the plan period. Because development at Lopen Head Nursery is taken into account, this target has been met (2.26 ha of land has been developed and 0.69 ha of land has planning permission). The relationship between South Petherton and Lopen Head Nursery goes back to previous Local Plans when work was undertaken to find employment land in South Petherton to meet local needs. At the time no acceptable alternative sites to Lopen Head Nursery were identified and so the Lopen Head Nursery site was allocated. It was deemed a sustainable location to meet the employment needs of surrounding villages including South Petherton. The site has been successful. The current Local Plan makes clear that the remaining requirement for employment land is to promote an alternative to the Lopen Head Nursery site.*

### **Summary**

LPC consider that the development proposed

- is disproportionately large and entirely inappropriate for the location
- is intended for a purpose that is incompatible with the location
- risks a disproportionate increase in HGV traffic
- fails by any reasonable measure to meet regional and national sustainability criteria
- will damage the amenity of the location
- risks being considered unlawful if challenged

### **We therefore consider that the application should be refused.**

While LPC consider that approval of this application would be quite wrong, we nevertheless suggest the following conditions as a "worst case scenario" to be utterly essential to maintain some amenity for local people:

- Limit operating hours to between 7am and 7pm Monday to Saturday. No working permitted outside these hours nor on public/bank holidays and no HGVs permitted on site outside these hours. The applicant actually proposes these measures himself.
- Landscaping / screening of the site. Due to historical and ongoing problems with compliance and enforcement on this site and others locally, we would seek a conditioning method which provides a stronger incentive to compliance than has previously been the case. Perhaps by S106 agreement where a sum of money is set aside sufficient to fully cover the costs of landscaping, planting, initial maintenance and administration. This to enable the LPA to engage a contractor to complete the work without cost to themselves should the applicant fail to carry out the work in timely manner.

Should you have any questions or wish to discuss this, please don't hesitate to get in touch

Regards

Nick Jones

On behalf of Lopen Parish Council (Chairman)

Development Management  
Council Offices  
Brympton Way  
Yeovil  
Somerset  
BA20 2HT

FAO Mr Andrew Gunn

20th September 2018

By email

**17/04604/FUL Probiotics International Ltd**

**Lopen Head Business Park: Demolition of various outbuildings and greenhouse and the erection of a warehouse building (Use Class B8) and associated parking and landscaping. (Proposed building F)  
Additional comments following submission of amended plans and LVIA**

Dear Mr Gunn,

Lopen Parish Council considered the revisions to this application and additional information submitted at length during our meeting on 18th September. Our position remains unchanged and we still strongly object to the application:

Material changes to the application appear to be limited to the reduction of the number of loading bays from 5 to 4. With the application largely unchanged, the comments and objections set out by Lopen Parish Council in our previous letter of 26th January 2018 remain valid in their entirety.

We also have the following comments arising from the amendments covering letter and LVA statement:

**General size concern – LPC considers the building to be of a disproportionate size to the existing buildings and unsuitable for the hilltop & skyline location.**

Comments on LVA

Section 7.4 states *“The siting of the proposed building has been considered in relation to both wider visual impact and localised setting. The proposed buildings and structures are of a scale and form consistent with that of the existing buildings on site.”* As stated in our previous letter, the new building is an increase of 45% of the existing buildings floor plans for the whole of Lopen Business Park. Therefore the LVA statement is factually incorrect and LPC DISAGREES with it.

Section 3.10 of LVA states *“Due to the proximity of the road, there is a reasonable amount of traffic noise. The topography of the surrounding area slopes away to the north and south and there is little to connect the viewer within the site to the wider context of the farm land that surrounds it.”* Comments in section 6.3 *“The building is a significant distance from the public highway so as to read visually as part of the existing business premises and helping the scale and massing of the building to recess into the site. This also provides the opportunity to provide a meaningful landscape buffer to the south to help integrate the building into the street scene.”* This is clearly a contradiction and the proposed building will be close to the Highway. The LVA identifies the topography whereby this is clearly on a hilltop and will have a 360 Degree impact on the surrounding area. LPC DISAGREES with the comments. Landscaping; users of the site have failed to comply with previous landscaping conditions of which the SSDC have seen fit not to enforce. LVA section 7.8 *“New tree structure planting as proposed, would enhance the current landscape characteristics and therefore the effect on the landscape character would diminish steadily over time.”* As stated for the size of the building the landscaping scheme is inadequate and LPC has serious reservations of the implementation of such a scheme given a blatant disregard for conditions imposed previously that have not been enforced.

**Visibility in the landscape** - In paragraphs 8.2 & 10.3 the LVA attempts to justify the siting of an extremely large building on the highest point of the highest ground for miles around by saying that it will be largely screened by other recently constructed industrial buildings (paras), which are themselves very prominent in the local landscape, especially from the north.

In paragraph 8.4 it is stated *“Public footpaths and bridleways within 1km of the site are mostly made up of a network of paths forming routes between residential areas, historic farmsteads and amenity buildings. There are very few views across to the site from public footpaths or bridleways.* LPC dispute this, with the site being clearly visible from a number of footpaths to the north of the site within 1.5 km, and also from a number of locations to the south within 3km. We consider that the prominent location on the south side of the site and huge scale of the proposed building will cause the proposed building to significantly add to the bulk of the overall development and thus have a detrimental effect on the landscape even seen from quite long distance.

The locations of the viewpoints used for the visual impact assessment photographs have been carefully chosen to downplay the effects. Photographs taken on a dull day and are not properly representative as the buildings stand out much more clearly when the sun is out and the northern side really catches and reflects the sun in late afternoon/evening when walking the footpaths to the north. In some cases the site is shown screened by trees that are outside the control of the applicant and could be removed by their owners, or blown down, with no obligation to replace.

For example: From the north, their viewpoint 5: Their photographs have been taken from a specific location on a footpath (Smokeclose Lane) where the whole development is screened by a line of trees, yet move a few metres in either direction and the site is in direct view. Our own photographs taken from:

**a) a few metres north along the same footpath**



**b) a few metres south on the same foot path (Frogmary Green farm in foreground)**



**and c) another footpath/road junction a few hundred metres north east**



From the south, their viewpoint 6 clearly shows the large additional bulk of the proposed development, directly on the skyline. This is also true of various other locations on public roads and footpaths along the ridge running from Merriott to Hinton St George and on westwards. Viewpoint 7, shows it will be quite

visible even from lower elevations although care has been taken to go far enough eastwards for a stand of tall trees to obscure part of the site. Our own photographs show the true visibility more clearly.

**Layby opposite Niddons farm at junction with public highway and two footpaths**



**Junction of Lopen Road Hinton St George and public footpath going east towards Niddons Farm (approx 50m ASL)**



**Junction of Lopen Road Hinton St George and public footpath going west (approx 45m ASL)**



**Public highway on the ridge west of Hinton St George**



**From the west, a direction entirely discounted by the survey, the whole site is clearly visible from a public footpath running across a field from Hurcott Cross to the A303**



NB. Their viewpoint 12 is incorrectly captioned as “View from Southern edge of South Petherton”. It is actually taken from a junction with a public highway and footpath east of Hinton St George.

**Relevant Planning Policy** LVA section 4.2 references Policy EQ2 “*General Development sets out the requirements necessary to meet if development proposals are to meet to achieve a high quality, locally distinct appearance acceptable to the Council. The appraisal having particular regard to whether it: “Conserves and enhances the landscape character of the area and reinforces local distinctiveness and respects local context.”* The appraisal has done nothing to demonstrate compliance with this policy with the LPCs comments with regards to the size and impact to date not being addressed. Therefore the LPC is of the opinion that the application FAILS to meet this policy.

### **Traffic**

**3. Car Parking.** The LVA section 6.2 advises of 24 car park spaces and three disabled spaces. There is insufficient car parking on the existing site. At present there are vehicles parked either side on the access to the site and in the lay by opposite the site. These alone would use the proposed increase in car park spaces and given Probiotics intend to expand the business by 150% the proposed scheme provides a clearly inadequate parking facility.

**4. HGV Parking.** Reference is made to the proposed building forming part of an existing planning unit. This could only be true if the whole Probiotics site were being assessed as a single planning unit, which it is not. All buildings to date, including building F have been considered separately and therefore must stand alone in planning terms.

Further, although they acknowledge that a distinction between B8a and B8b shown in the 2013 County parking strategy has no basis in law and does not clearly distinguish between the two for HGV parking spaces, they would still like to claim that the full 13 HGV spaces should not be applicable to them as they will be using the building for storage rather than distribution. WE have two problems with this:

- The parking strategy division of B8 into two categories has no basis in law (as they admit) and does not clearly define the difference in parking requirements between the two.
- Unless specifically conditioned to the business (which would be unusual), any permission granted would apply to the building itself and not the business. Consequently the building might later be used for full distribution purposes for which the full 13 spaces requirement would clearly apply.

It is quite clear that the HGV parking available falls well short of the 13 spaces required for a B8 building of this area and we also consider the claim that "there is space for HGVs to wait between the estate road and the access into the yard should this be necessary" is extremely optimistic at best!

### **Need**

No attempt is made to justify local need beyond the terms of the commercial convenience of the company and vague references to local employment.

Sole justification given is the rate of company expansion citing local employment. We understand that the majority of employees are eastern European and bussed in from Yeovil.

Further, we have concerns that this rate of expansion is unsustainable even in the medium term and creates the following risks

- Either the company will be shortly be wanting more room to expand (onto adjacent hill-top high-grade agricultural land) and using local jobs as blackmail.
- Or the new US owners will consider location unsuitable for further growth and move away leaving large buildings empty to be exploited separately to the full extent of whatever permissions they hold (ie B8 for full distribution).

The complete Lopen Head site was originally "justified" as being necessary to provide units for small scale local businesses, not principally one large scale international one.

We have a further concern that a large business is being built up by constant addition of buildings which are each being considered separately and consequently the cumulative effects of the additions are not being properly assessed.

Should you have any questions or wish to discuss this, please don't hesitate to get in touch

Regards

Nick Jones

On behalf of Lopen Parish Council

# Agenda Item 12

## Officer Report On Planning Application: 18/03322/FUL

<b>Proposal :</b>	The addition of a window to end elevation and the change of use of existing stables to house dogs (Retrospective)
<b>Site Address:</b>	Homelea, Broadmead Road, Beercrocombe.
<b>Parish:</b>	Beercrocombe
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date :</b>	14th January 2019
<b>Applicant :</b>	Mr Chris Radford
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area North Committee at the request of the Ward Member and Area Chair.

### SITE DESCRIPTION AND PROPOSAL





The application site is located on Broadmead Road, Beercrocombe. The site comprises a semi-detached dwelling with front and rear gardens with single-storey outbuildings, and further to the rear (north) a small parcel of land with a converted stable building on it. The landowner owns further parcels of land adjacent to the north and west, not within the application site.

The application seeks permission for the change of use of existing stables to house dogs and the insertion of a window in its side elevation (retrospective).

## RELEVANT HISTORY

17/00145/FUL: Change of use from agricultural to extension of residential garden and erection of a stable block. Application permitted with conditions (28/03/2017)

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

Policy SD1 - Sustainable Development

Policy SS2 - Development in Rural Settlements

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework - March 2018

Planning Practice Guidance (PPG)

Other

Somerset County Council Parking Strategy (September 2013)

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

## **CONSULTATIONS**

**Beercrocombe Parish Council:** The Parish Council opposes the application for the following reasons:

The application seeks retrospective approval of the conversion of a stable built in 2017 under planning application 17/00145/FUL to a kennel for up to 5 rescue dogs. The Parish Council is concerned that the property is being used as a dog rescue centre and the stable conversion is part of a wider development for which the applicant does not have specific planning permission. The site, Homelea, is a semi-detached residential property with a small extension on the northern boundary onto which the applicant sought and gained planning approval for the construction of a horse stable. The Parish Council had no concerns regarding that development as horses and stables were a common feature in the local landscape and the environmental issues were understood and considered minimal. This cannot be said of a dog rescue centre as it has environmental issues that do not fit at all well within a close group of residential houses. During 2018 the Parish Council received complaints against Mr Radford regarding noise of barking dogs and dogs defecating on private property. The Parish Council also notes the findings of the Planning Inspectorate Appeal Ref: PP/X1545/C/15/3130168, 3130171 in which the Inspector concluded the character of a dog rescue centre was materially different from the character of a previous equestrian use. The Inspector also concluded that the dog rescue centre was not a use that was incidental or ancillary to the use of the property as a residence. The Parish Council judges the same conclusions apply to Homelea and hence opposes the application. The decision to oppose the development of a dog rescue centre at Homelea is consistent with the Parish Council's established policy to oppose all livestock building development close to residential houses within the village.

Furthermore, until the applicant acquires planning approval for a dog rescue centre the Parish Council asks the applicant to stop kennelling rescue dogs on the property.

**Highways Authority (Somerset CC):** Standing Advice applies.

**SSDC Highways Consultant:** While the development proposal would lead to additional traffic travelling to and from the site, it is apparent from the explanation provided in the DAS that this is very low-key affair in terms of traffic generation. Provided it remains as such (I would recommend any suitable and reasonable planning conditions that could be imposed in this respect), I believe it would be unreasonable to raise a highways objection to the scheme. I note that visibility when emerging from the access to the property is substandard. I would welcome any improvements that could be made such as trimming the frontage hedgerow back to offer an improved sightline to the right when emerging.

**Environmental Protection Unit:** I visited the site on the 18th January 2019 and looked at the block housing the dogs in detail.

The block itself is a relatively solid envelope with double glazed windows and a double skinned roof. In my opinion there is no reason why, if properly managed, the proposed use of the building would be likely to impact on local amenity. I therefore cannot substantiate an objection to the application. However should the application be approved I recommend that the following informative be added to the permission.

#### Statutory nuisance

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

## REPRESENTATIONS

Five letters of representation were received: three letters of objection, one letter of support, and another general observation. Their points are summarised below:

- Unacceptable noise levels in a small residential village, especially at unreasonable times
- The owner has used the property for the rehoming of dogs for 15 years without informing the Council. The land behind the property is used for dog training days, with visitors and associated vehicle movements.
- The increase in vermin locally may be linked to an increase in dogs at Homelea. Vermin are carriers of disease.
- The dog faeces is an issue in terms of how it is removed from the property and the agricultural field.
- The breed is unsuitable as they have been known to kill cats, smaller dogs, and other small animals. This may have resulted in the reduction in the number of rabbits locally.
- When both owners are parked on the drive, there is only space for one small vehicle to park. There is no turning area, meaning that vehicles cannot enter and exit the site in first gear.
- As a charity, the use does not have a benefit to the local economy, and has no employees, only volunteers.
- Allowing the application would set precedent for further kennels to be built in the future. Homelea covers a vast area of Dorset and Somerset (as mentioned on their Facebook page) and with increasing housing growth, the need for kennels will increase.
- As the immediate neighbour to the newly constructed block, the author had no concerns regarding the building or the housing of dogs there. The dogs are rarely heard and, in the author's opinion, cause no disturbance.
- Support on the proviso that suitable steps are taken to prevent noise pollution from dogs barking etc. in the kennels, disturbing the author's family who sleep at the rear of the home.
- The author's children, whilst sleeping, have been disturbed by noisy dogs, and one of the author's children will be working shifts, needing to sleep during the day. A request is therefore made that noisy dogs are not transferred from the outdoor kennels to the dwelling as unreasonably noisy dogs have caused a nuisance when the owners of Homelea were not home.
- The owners have requested that any noise issues be reported to them so they are able to mitigate them.
- Support is given for the work being done by the applicant, rehoming dogs.
- The noise issues are better now than when the dogs were homed solely in the dwelling.
- Reference is made to the greyhound rehoming charity Facebook page where the applicant confirms that he was building a dog shelter rather than the stable proposed. It was not the intention of the applicant to build a stables. The window was inserted without planning permission.
- The agricultural land is used solely for walking dogs and over the year there has been a massive

increase in the number of dogs in the field. The dog faeces causes a legitimate danger / environmental pollutant with regard to it poisoning grass and lawns; carrying hookworm, ringworm, tapeworm etc.; transmitting human diseases; and polluting waterways. The diseases will be transported via the drainage system.

- Between November and December 2018, 12 dogs were been rehomed, one reserved, and one still to be homed. This proves that 100 dogs are being rehomed over the year. The kennel homes five dogs and does not account for the others.
- The expansion of the business has resulted in nuisance / disturbance with dogs barking on a daily basis now.
- The author and her husband have been woken up day and night.
- The author and her husband have been woken up on a regular basis by the noise of dogs barking in the stable / kennel block.
- There have been noise complaints to the applicant who uses excuses i.e. a fox disturbing them.
- This is a very small village and the applicant has set up a dog rehoming business with no consideration of the impact on the local community and environment.

## **CONSIDERATIONS**

### **Principle of Development**

The principle of converting the stable building for the housing of dogs as part of a greyhound rehoming charity and the insertion of a window is acceptable subject to the development not resulting in demonstrable harm to:

- Landscape Character or Visual Amenity;
- Residential Amenity; and
- Highways Safety.

### **Landscape Character and Visual Amenity**

The principle of built form at this location, and of this scale and design, has been established by the previous application for the siting of a stable building. The building is well related to the rear garden and boundary planting. The insertion of a window in the building is not objectionable as it would not result in demonstrable harm. Accordingly, it is not considered that the proposal would result in demonstrable harm to landscape character or visual amenity.

### **Residential Amenity**

By reason of its position and height, the insertion of the window would not result in harm to residential amenity through overlooking and a loss of privacy.

The Environmental Protection Unit was consulted regarding the potential for harm resulting from the proposal to residential amenity. As above, the Senior Environmental Health Officer visited the site and was satisfied that the proposal, if properly managed, would not result in demonstrable harm to residential amenity.

The local objections have been considered but great weight is placed on the expert advice of the Environmental Health Officer. As such, it is not considered that the proposed change of use would result in harm to residential amenity, if properly managed. If not properly managed, uses such as smells and noise may be addressed through Environmental Health legislation.

Nevertheless, to ensure that the use of the site does not become so intensive as to inherently result in harm to residential amenity, and given the information provided by the applicant that the site will

accommodate no more than five dogs associated with the charity (rather than those owned by the occupants of Homelea), it is appropriate to limit the dogs to that number by condition.

### **Highway Safety**

The Highway Authority has stated that its Standing Advice applies. The proposal does not propose to alter or create a new access. Furthermore, it is proposed to convert the stable building permitted. As there is no increase in floorspace, the Standing Advice requires no further parking provisions to those existing.

In accordance with the Highways Consultant, the increase in traffic is likely to be minimal. A condition to ensure that the use of the site is not further intensified, in the interests of highways safety, is considered to be encapsulated by the above suggested condition limiting the number of dogs to be housed to no more than five (other than those owned by the occupants of Homelea).

Therefore, notwithstanding the objections received, it is not considered that the proposal would prejudice highways safety, and it is considered to accord with policies TA5 and TA6 of the Local Plan.

### **Other**

It is considered that the potential for the dogs to attack other animals is an issue of management rather than a planning issue.

The same is true of how dog faeces is handled. There is no reason to believe that the use, if appropriately managed, would result in demonstrable harm through diseases, parasites, etc. If there becomes an issue of inappropriate management, it should be addressed through environmental protection legislation.

The agricultural land is outlined in blue, rather than red, on the site location plan. The change of use does not therefore apply to the agricultural land. Only the proposal can be considered as part of this application, not alleged breaches outside of the application site. Any planning breaches can be considered through the planning enforcement process. Non-planning issues can be addressed through other means.

Concern was raised over the number of dogs that may be rehomed from the application site over the course of a year. However, the proposed condition limiting the number of dogs is considered appropriate to safeguard amenity from a planning standpoint. Should the number of dogs on the site increase through the applicant owning more dogs, it is unlikely that there would be a breach of planning control. There may however be non-planning related action that the local authority could take should the dogs become a statutory nuisance, as per the comments of the Environmental Protection Officer.

### **Conclusion**

The proposed insertion of a window in the stable building and change of use to allow for the housing of dogs is not considered to result in demonstrable harm to landscape character, visual amenity, residential amenity, or highways safety. The proposal is considered to accord with policies SD1, EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

### **RECOMMENDATION**

Permission be granted subject to conditions

01. The proposed insertion of a window in the stable building and change of use to allow for the

housing of dogs is not considered to result in demonstrable harm to landscape character, visual amenity, residential amenity, or highways safety. The proposal is considered to accord with policies SD1, EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from 19/11/2018.

Reason: To comply with Section 73A of the Act.

02. The change of use hereby permitted shall be strictly contained to the application site - i.e. the area outlined in red on the Site Location Plan.

Reason: To allow the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

03. There shall be no more than five dogs associated with the dog rehoming charity housed within the application site at any one time. This excludes dogs that are owned by the occupants of the dwelling, Homelea.

Reason: To allow the intensity of the use to be controlled in the interests of residential amenity and highways safety, in accordance with policies EQ2, TA5, and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

**Informatives:**

01. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.
-