

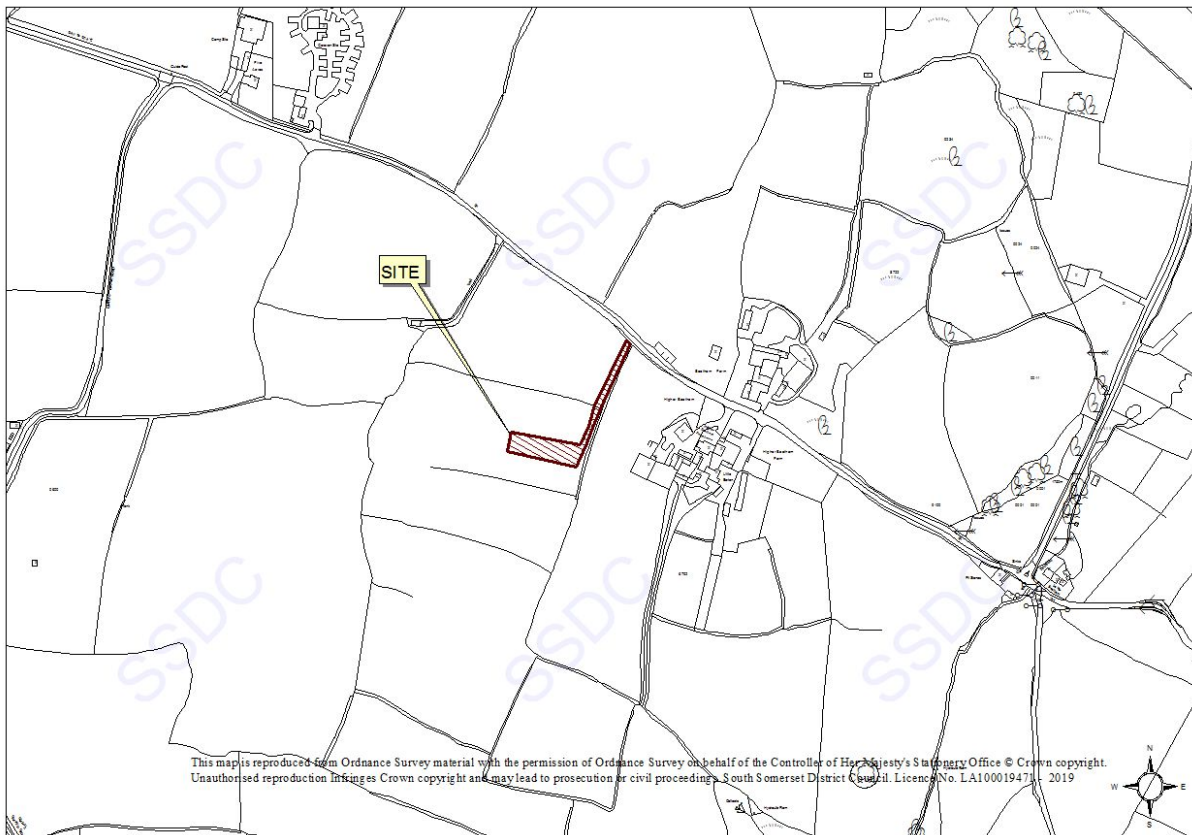
Officer Report on Planning Application: 18/02808/FUL

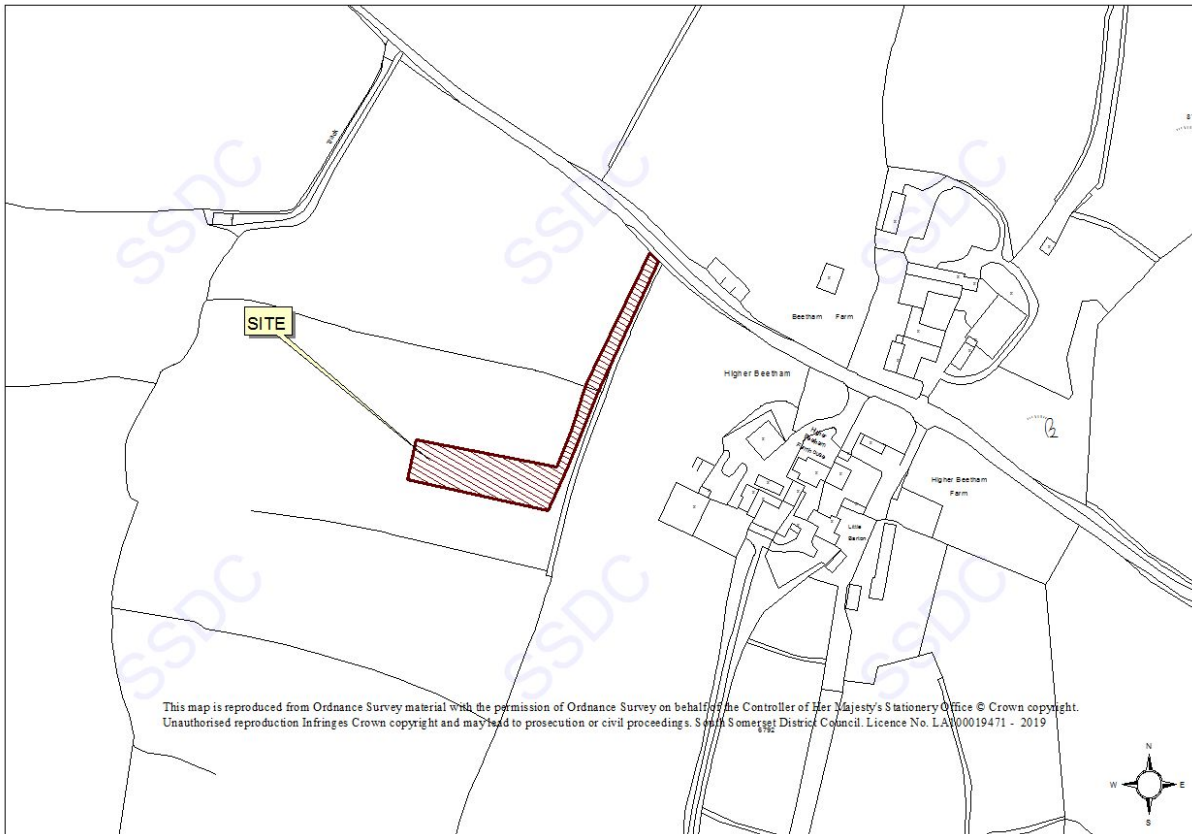
Proposal :	The erection of general purpose agricultural building
Site Address:	Land At Beetham, Higher Beetham, Whitestaunton
Parish:	Whitestaunton
BLACKDOWN and TATWORTH Ward (SSDC Member)	Cllr Martin Wale, Cllr Jenny Kenton
Recommending Case Officer:	Mike Hicks
Target date :	15th October 2018
Applicant :	Mr K Parris
Agent: (no agent if blank)	Mr Sheamus Machin Windover Farm Barn Madford Hemyock Cullumpton EX15 3QX
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE:

The application is being referred to committee due to public interest relating to planning issues such as the visual impact, residential amenity and impact on private water supplies.

SITE DESCRIPTION AND PROPOSAL





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

There are two existing agricultural buildings, hardstanding and an access track which were permitted under planning references 13/03145/FUL and 16/01722/FUL. There were two subsequent applications to extend both of the above which were refused by the planning committee.

The proposed building would measure 45.75 by 15.25 metres. The application states that the building would be a general purpose building to be used for the storage of straw and hay, general storage and the provision of covered accommodation to rear batches of calves.

The building would be located to the south of the existing pair of buildings. Mitigation is proposed in the form of a bank and hedge alongside the southern of the building and the removal of two existing agricultural buildings in the vicinity on land within the applicant's ownership.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. As established by the previous applications, the applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside the District, to the west near Yarcombe.

HISTORY

17/02164/FUL- The erection of an extension to existing building to house livestock- Refused

17/02165/FUL: The erection of an extension to existing building to house livestock- Refused

16/01722/FUL: The erection of an agricultural building to be used for livestock accommodation and straw storage.- permitted with conditions.

13/03145/FUL: The erection of an agricultural building - Allowed on appeal (Ref. 2216466).

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

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

08/01978/FUL: The erection of an agricultural building - Application withdrawn.
01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

POLICY

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

Relevant Development Plan Documents

South Somerset Local Plan (2006-2028):
EQ2- General Development
TA5- Transport impact of new development
EQ7- Pollution control

Policy-related Material Considerations

National Planning Policy Framework 2019.

CONSULTATIONS

Parish Council: No formal Parish Council.

County Highway Authority: Standing advice applies.

SSDC Highway Consultant:

PROW CH 7/48. SSDC Highways Consultant's comments: No significant highways issues - no objection.

Environmental Protection Department:

Here is the sample result from the end of last year, all satisfactory.

We are not sampling and risk assessing the water supply again until next year.

I would still say that the distance of the development from the source of the supply means there is little additional risk to the water supply from the additional development.

The Environmental protection department have further confirmed verbally that no objections are raised on the basis of odour due to there being a sufficient distance from nearby dwellings.

Blackdown Hills AONB Partnership:

Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (NPPF, para 172). The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape.

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

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting

the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

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

At the time of the first application for a building here we noted our concern that there should be no assumption of further development at this site should the application be granted, seeing the building as a simple ancillary outpost of the main farm, and mindful that any large modern structure will have an impact on this attractive, unspoilt, rural landscape. The continued incremental growth of this site has therefore been of concern, and this further application will result in a mass of significant structures with a considerable footprint. The size and scale relative to the holding, the local landscape and the nearby hamlet requires careful consideration.

The cumulative effect of three buildings and corresponding farming activity doesn't appear to be well addressed in the LVIA. The scale and mass of built form at an isolated site would be at odds with the otherwise undeveloped open landscape and the neighbouring hamlet of Beetham; aerial photos/google maps indicate the lack of isolated buildings in the fields of this part of the AONB and the scale relative to surrounding fields and buildings at Beetham. The corresponding additional activity associated with calf rearing would exacerbate the impact on the area.

If minded to approve this application we would like to see the proposed hedge bank to the south provide a more meaningful enhancement to the landscape and biodiversity by it tying-in to the existing hedgerow network. One of the special qualities of the AONB is its tranquillity and dark skies. As with previous applications, to maintain this characteristic there should be no external lighting and light escaping from the building itself should be kept to a minimum.

County Rights of Way:

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

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

1. General Comments

Any proposed works must not encroach on to the width of the PROW.

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

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

A PROW being made less convenient for continued public use.

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

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

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

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>.

Environment Agency:

Not consulted under this application, however Comments on original application (13/03145/FUL) are set out below:

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

Impact on Water Supply

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

Drainage

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Pollution Prevention during Construction

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

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

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

Nitrate Vulnerable Zones

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

Manure

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

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

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

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

SSDC Ecologist:

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

REPRESENTATIONS

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

- Concerns over visual impact of the building- LVA not fully representative of impact.
- Concerns over contamination to groundwater.
- Concerns over additional vehicular movements.
- Adverse impact on tourists, cyclists, SSSI and local character.
- No business justification for the development.
- The applicant has other land outside of the AONB that can be developed.
- Harm to the amenities of nearby residents.

CONSIDERATIONS

Principle of Development

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

Justification

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

Landscape Character

The application is supported by a Landscape Visual Assessment in order to set out the impacts of the development and proposed mitigation. This assessment concludes that there would be a moderate landscape impact but that the visual receptors are largely within a relatively close range of less than 400 metres. It proposes mitigation in the form of a hedge and bank to the southern end of the group of buildings and setting the floor level 2 metres below the existing building. Subject to these measures being secured via condition it is considered that the proposal would comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

Noise/odour

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

It is accepted that there would be a degree of noise and odour as a result of development, however it is noted that odours from cattle buildings are not generally of the same intensity as those from other livestock operations such as intensive pig and poultry farming and these impacts are expected to a point within the countryside.

It is considered that the relatively significant distance to the nearby dwellings of 120 metres is sufficient to limit the impact to an acceptable degree even if the whole of the building was used for livestock. The application states that that building would be used predominantly for storage purposes but that a small section of the building would be used for calf rearing. Having regard to the above it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Private water supplies

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

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

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

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

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

In addition to the above, it is noted that the Councils Environmental Health Department do not object to the proposal on the basis of the likely impact on water supplies. A recent test of water supplies indicates that the supplies are compliant with the relevant standards.

Notwithstanding these considerations, given the issues around the greensand geology and situation in relation to private water supplies it is considered reasonable to condition drainage details, including dirty water, and physical measures within the building to prevent pollution release.

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

SSSI

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

Highway Safety

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

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

CONCLUSION

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

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB or the nearby SSSI. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity, highway safety or the local water environment, in accordance with the aims and objectives of saved policies EQ2, EQ7, EQ4 and TA5 of the South Somerset Local Plan (2006-2028) and the relevant sections of the National Planning Policy Framework (2019).

SUBJECT TO THE FOLLOWING:

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

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

02. Other than as required by condition the development hereby permitted shall be carried out in accordance with the following approved plans: SM2; 1774/03A; 3028/02A; 3028/02A attached to email sent 03/06/2019 17:10; 3028/03A; 3028/04; unnumbered document showing aerial photograph of buildings to be demolished attached to email sent 08 November 2018 12:14 only.

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

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

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

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

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

05. Prior to the use of the building for livestock purposes details of design measures within the building to prevent the discharge of pollution shall be submitted and approved in writing by the Local Planning Authority.

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

06. The existing buildings to be demolished, annotated as 'Cattle building' and 'Dutch barn' on the submitted aerial photograph attached to email sent 08 November 2018 12:14 shall be demolished and all materials removed from the site prior to the substantial completion of the building hereby permitted.

Reason: In the interests of the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

07. The floor level of the building hereby approved shall accord with the details on plan No. 3028/02A attached to email sent 03/06/2019 17:10.

Reason: In the interests of the character and appearance of the area to accord with policy EQ2 of the South Somerset Local Plan (2006-2028).

08. No later than the first planting season following substantial completion of the building hereby approved a landscaping scheme shall be completed in accordance with details that shall have been submitted and approved in writing by the Local Planning Authority. The scheme shall include a full specification of new hedgerow planting including maintenance details following completion, full details of the earth bund and earth cutting (including cross sections if appropriate) and details of the angle of cut at the western elevation of the approved development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

09. Silage and manure storage to serve the proposed development shall accord with details that shall be submitted and approved in writing by the Local Planning Authority.

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

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

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

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or any order revoking and re-enacting that Order with or without modification), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

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

Informatives:

01. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Pollution Prevention during Construction

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

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

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

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

Nitrate Vulnerable Zones

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

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

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse

or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at: <https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

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

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

02. The applicant is advised that the finished colour of the roof panels should be anthracite grey. The applicant is further advised that samples must be agreed prior to their installation.
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