

OFFICER: John Millar (01935) 462465

APPL.NO: 08/03000/FUL APPLICATION TYPE: Full Application

PARISH: Somerton WARD: WESSEX

DESCRIPTION: The erection of 2 no. agricultural buildings for the storage of fodder and machinery and 2 no. polytunnels (GR 348358/127733)

LOCATION: Land Os 3769 Part, Badgers Cross Lane, Somerton, Somerset TA11 7JF

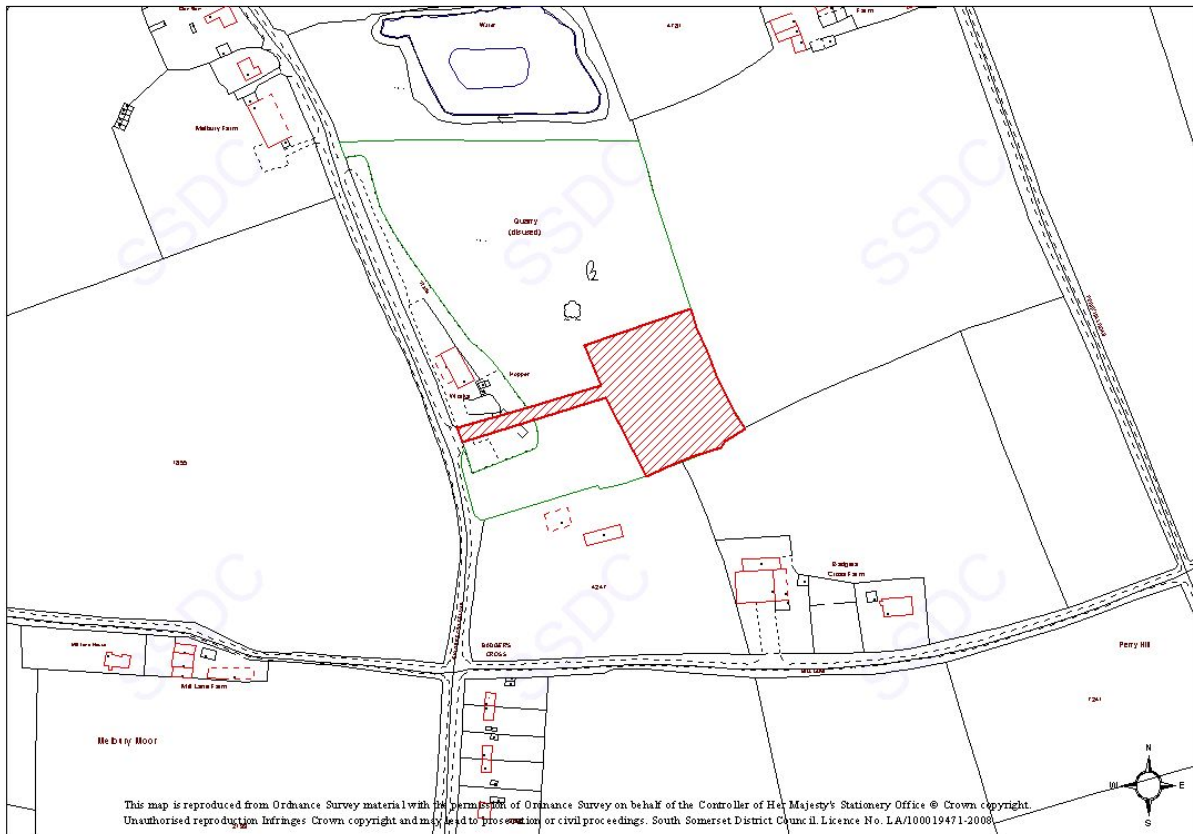
APPLICANT: Ms J Purchase

DATE ACCEPTED: 6 August 2008

Reason For Referral To Committee

The application is before Committee as the land over which the site is accessed is under the ownership of a District Councillor and a Member of this Committee. As such, this application may not be dealt with under delegated powers.

Site Description and Proposal



The site is a square area of agricultural land to the east of Badgers Cross Lane, south of Somerton. It is located to the edge of a former quarry site with access through the yard of the quarry works. There is a farm to the south (Badgers Cross Farm) and there are some large barns associated with that holding adjacent to the southern boundary of the proposal site. The site is abounded by well-established trees and shrubs to the south and east boundaries.

The proposal is made to erect two agricultural buildings for the storage of fodder and machinery and the erection of two polytunnels for the growth of plants and shrubs.

History

08/01021/AGN: The erection of an agricultural building for the over-wintering of cattle and for calving.

01/01430/COU: Use of land and buildings for storage, repair and retail of damaged motor vehicles, carry out engineering works and erection of new covered area for accident damaged cars - Permitted with conditions.

97/00664/COU: Change of use of site to laundry business (class B1) involving erection of chimney, provision for car parking and open storage.

901388: The use of land for the tipping of spoil arising from enlargement of fishing pond - Permitted with conditions.

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

Regional Spatial Strategy:
VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan:
STR1 - Sustainable Development
STR6 - Development outside Towns, Rural Centres and Villages
Policy 5 - Landscape Character

South Somerset Local Plan 2006:
ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character

Consultations:

Town Council

No objections.

SSDC Technical Services

No comments.

County Highway Authority

The existing access to the site is adequate in terms of the level of visibility achieved in both directions and its width enabling two vehicles to pass at this point. As a result, the increase in traffic making use of the access as a result of the proposal is unlikely to compromise highway safety at this point. Therefore, I would advise you that from a highway point of view there is no objection to the proposal.

Environment Agency

No objection subject to informative relating to surface water discharge to soakaways.

SSDC Environmental Protection

No objection subject to imposition of contaminated land condition.

SSDC Principal Landscape Officer

No objections to scheme provided there is no loss of existing hedgerows and planting to south and east boundaries. Suggest a landscaping scheme, as this is included in the proposal.

Representations:

One letter was received from a nearby resident, which raised no objection to the scheme.

Considerations:

The applicant owns the site along with 27 acres on the Somerset Levels, which are used for the grazing of cattle. The livestock is housed on rented land away from the site for over-wintering. Due to the constraints of erecting agricultural buildings on the Levels, it is proposed to erect two buildings for the storage of fodder and machinery. The applicant also compliments their livestock business with the growth of plants and shrubs for sale at market. The proposal also includes the erection of two polytunnels for this side of the business.

The proposal site is located in open countryside but at a location where there is a significant level of development. The site is a small parcel of land adjacent to the former quarry and Badgers Cross Farms. The proposed buildings are closely related to existing buildings for the former quarry and the farm, to the west and south. As such, it is not considered that the proposal will lead to an increase in built form that will be detrimental to the landscape character of the area or the local environment.

The proposed buildings are relatively large but they are commensurate with the adjacent buildings and the design and materials respect and relate to the character of the surrounding area.

There is currently a high level of planting to the east and south boundaries, which significantly reduce the impact of the proposed buildings and those on the adjacent sites. The applicant also proposes to erect fencing to the other boundaries as well as implement a planting scheme to add to the screening around the site. The Council's Landscape Officer has been consulted and has raised no objection to the scheme subject to the imposition of a landscaping scheme.

In terms of residential amenity, there are no properties adjacent to the site and as such there are considered to be no residential amenity issues.

No objections have been raised by the Highways Authority, as the existing access is considered acceptable and the Council's Environmental Protection Unit have requested the imposition of a condition regarding the investigation of contaminated land.

RECOMMENDATION:**Approval with conditions****JUSTIFICATION**

The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity. It also respects the form of development in the immediate vicinity and has no detrimental impact on the landscape character of the area or the setting of the adjacent listed building, in accordance with the aims and objectives of policy VIS 2 of the Regional Spatial Strategy, policies 5, STR1 and

STR6 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

Application Permitted with Conditions

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

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

02. The particulars of materials to be used for the external walls and roofs of the development hereby permitted shall match those listed within the application form and approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

03. The development hereby permitted shall not be commenced until particulars of the design, materials and finish of the proposed boundary fencing 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 consent 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 policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

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

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

05. Before commencement of any development work, other than investigative work, in connection with the use hereby permitted the nature, degree and extent of actual or potential land contamination at the site shall be investigated to the satisfaction of the local planning authority department (LPA). Such investigation shall include as a

minimum the preparation of a Phase 1 (desk study) contamination report. If actual or potentially significant risks are identified then further investigations shall be undertaken. Such investigation shall include intrusive site investigation and the completion of a Phase 2 interpretative land contamination report. Investigation reports shall be submitted to the LPA for approval. If any unacceptable risks are highlighted, a detailed remediation strategy shall be submitted to the LPA. The remediation strategy shall be approved by the LPA prior to the commencement of any development work. Remediation works shall be fully implemented and completed before any building hereby permitted is first occupied. All investigations, risk assessments and remediation shall be carried out in compliance with recognised guidance, methodology and protocols.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed. To ensure that development is 'suitable for use' and that identified contamination will not present any significant environmental risks to the identified receptors.

06. The agricultural buildings hereby approved shall at all times be used in connection with purposes ancillary to agriculture and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

07. No retail sales shall be carried out on any part of the subject land including within any buildings thereon.

Reason: The location of the site is inappropriate for a retail use, in the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

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

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

NOTES (if any)

01. The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 dated September 1991 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice".

Only clean, uncontaminated surface water should be discharged to soakaway.
