

Area North Committee – 27 March 2013

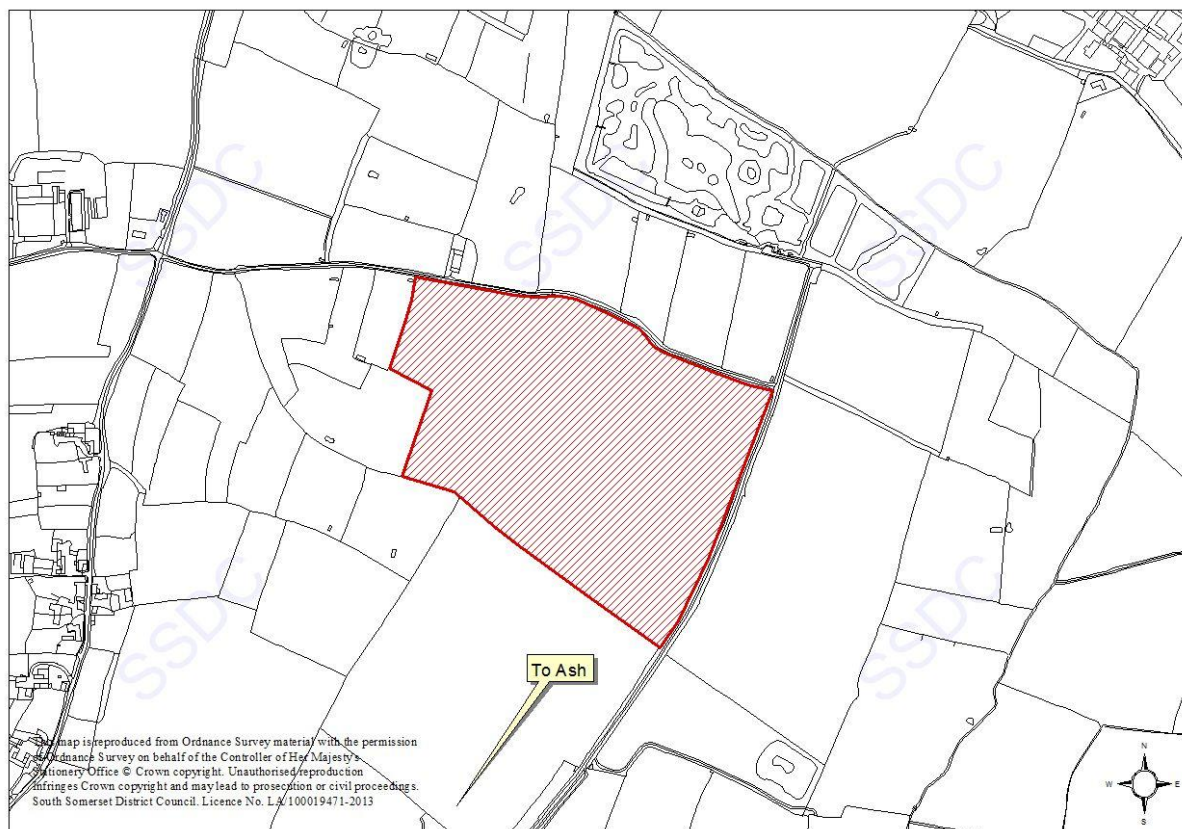
## Officer Report on Planning Application: 12/04945/FUL

<b>Proposal :</b>	Creation of a new dairy farm (GR: 348373/121860)
<b>Site Address:</b>	Land At Lower Witcombe Farm, Thornhill Drove, Ash
<b>Parish:</b>	Ash
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: lex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	22nd March 2013
<b>Applicant :</b>	Mr Matthew Cobden
<b>Agent: (no agent if blank)</b>	Mr Harvey Dickinson Bourne Works, Collingbourne Ducis, Marlborough, Wiltshire SN8 3EQ
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The size of the proposed development is such that under the scheme of delegation the application must be determined by committee.

### SITE DESCRIPTION AND PROPOSAL



This application is seeking planning permission to erect a new 800 cow dairy unit in association with the existing dairy / cattle holding known as New Witcombe Farm. The application site extends across a 17 hectare site and the proposed development comprises the remodelling of a large section of the site, the erection of a cubicle building measuring approximately 330m long, milking parlour, general purpose storage building, isolation boxes, silage clamp, slurry lagoon, manure store, dirty water store, clean sand tank and attenuation pond. It is understood that the existing farmstead will operate as their calve rearing and cattle unit with all the dairy operations taking place at the new unit.

The existing farm extends to 1100 acres and is principally operated as a dairy enterprise with 470 cows and 500 calves with the existing farmstead located approximately 480m to the west of the application site. The site of the proposed new dairy is accessed via Thornhill Drove, a green lane, along which passes a public footpath (Y1/17) and is approximately 470m to the east of the existing farmstead. Part of the drove, which leads to an existing barn on the north side of the drove, has already been surfaced with concrete however the last 120m to the access of the application site has yet to be surfaced. There are three potential routes for farm traffic to get to the site, Witcombe Lane, Westover and Milton Lane, with Witcombe Lane offering the shortest route to a main road. Each of these lanes are narrow, winding single track lanes with limited passing opportunities.

The redline site is a single large field that occupies a relatively low position within the landscape and has a gently sloping gradient rising towards the middle of the field. The field is bounded by native hedgerows and appears to have last been used to grow maize. An overhead power line passes through the field which will need to be relocated to facilitate the proposed development. There are also two high pressure gas pipelines that pass close to the site, one to the north and the other to the south and the site is located within the middle consultation buffer zone for these pipelines. At the time of the visit there was a large mound of spoil deposited towards the western side of the field.

The site is located close to a number of designated wildlife sites including RAMSAR, SSSI, RSPB reserve and County Wildlife sites located to the north / northeast/west of the site.

The nearest residential properties to the site include an agriculturally tied bungalow approximately 370m to the west, properties located within the hamlet of Witcombe approximately 490m to the west and a farmstead approximately 690m to the northeast. Lower Witcombe Farm, which is the last property in Witcombe en route to New Witcombe Farm, is grade II listed and is visible from the site.

## RELEVANT HISTORY

There is no planning history in respect of the application site. The following details relate to the existing farmstead:

12/04552/FUL: Erection of an extension to a livestock building. Permitted.

12/03665/AGN: Notification of intent to erect an extension to an agricultural building to house straw and machinery. Permission required 2012.

97/02192/AGN: Notification of intent to erect a cattle shed. Permitted.

91067/C: Erection of agricultural buildings and use of an existing access. Permitted.

91067/B: Erection of agricultural dairy buildings including two silage barns, two cow buildings, loose boxes, bull pen, milking parlour and dairy and alterations to existing access. Permitted.

91067: Erection of an agricultural dwelling. Permitted.

## **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.

The development plan comprises The Somerset and Exmoor National Park Joint Structure Plan Review and the South Somerset Local Plan (2006). The policies of most relevance to the proposal are:

### **Somerset and Exmoor National Park Joint Structure Plan:**

STR1 - Sustainable Development  
 STR6 - Development Outside Towns, Rural Centres and Villages  
 Policy 1 – Nature Conservation  
 Policy 5 - Landscape Character  
 Policy 9 – The Built Historic Environment  
 Policy 49 - Transport Requirements of New Development  
 Policy 13 – Locally Important Archaeological Remains  
 Policy 19 – Employment and Community Provision in Rural Areas

### **South Somerset Local Plan:**

ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EC3 - Landscape Character  
 EC4 – Internationally Important Sites  
 EC5 – Nationally Important Sites (SSSI)  
 EC6 – Locally Important Sites  
 EC7 – Networks of Natural Habitats  
 EC8 – Protected Species  
 EH5 – Development Proposals Affecting the Setting of Listed Buildings  
 EH12 – Areas of High Archaeological Potential and Other Areas of Archaeological Interest  
 EP2 - Pollution and Noise  
 EP3 – Light Pollution  
 EP4 – Building Waste  
 EP7 – Potential odour generating developments  
 EP9 – Control of other Potentially Polluting Uses  
 EU6 – Culverting  
 ME8/9 – Hazardous Installations  
 CR9 – Public Rights of Way and Recreation Routes

### **National Planning Policy Framework:**

Part 1 – Building a strong, competitive economy  
 Part 3 – Supporting a prosperous rural  
 Part 4 – Promoting sustainable transport  
 Part 7 - Requiring good design  
 Part 8 – Promoting healthy communities  
 Part 10 – Meeting the challenge of climate change, flooding and coastal change  
 Part 11 – Conserving and enhancing the natural environment  
 Part 12 – Conserving and enhancing the historic environment

## CONSULTATIONS

**Ash Parish Council:** No objection, but there are some concerns about increased traffic.

**Long Load Parish Council (adjoining parish):** No comments received.

**Tintinhull Parish Council (adjoining parish):** No comments received.

**Area Engineer:** No comment.

**County Highways:** (latest comments) No objection. The additional information provided adequately addresses my previous concerns, I therefore recommend the application be approved subject to a condition to secure the provision of the proposed passing places (as detailed on drawing number 30 dated 07/03/2013) which should be constructed and completed prior to the new dairy unit being first brought into use. Please also include an informative in relation to requiring a Section 278 agreement prior to any works being carried out to the public highway.

Previous comments – Based on the Transport Statement (TS) provided with the original submission the highway authority objected to the application due to the estimated doubling in in farm traffic and the narrow, poorly aligned approach roads which have few passing places. No off-site mitigations measures were proposed within the initial TS to ameliorate the situation, consequently the highway authority considered the proposal to be harmful to highway safety and recommended the application be refused.

**National Grid:** No objection.

**NGT Transco:** Concern on access route.

**Wessex Water:** The site lies within a non sewered area. New water supply connections will be required to serve the proposed development.

**Environment Agency:** No objection to the revised Flood Risk Assessment dated 06/03/2013 subject to conditions relating to:

- A Farm Waste Management Plan;
- A Construction Environmental Management Plan; and
- A contaminated and clean surface water run-off drainage scheme.

They also recommended a number of guidance notes and informatives.

**Environmental Protection Unit:** In their initial comments they recommended that an odour modelling survey be undertaken and a scheme of lighting be provided prior to the determination of this application. These details have since been provided by the applicant and Environmental Protection have confirmed that they are satisfied with both the lighting scheme and with the odour survey provided and that odours from the development should not be a problem for the occupiers of nearby residential properties.

**Natural England:** The protected species survey has identified that great crested newts may be affected by this application. It is advised that further survey effort is required in accordance with the great crested newt mitigation guidelines and you should request additional information from the applicant.

Natural England deem that airborne emissions resulting from the proposed development are unlikely to have any significant effect on the nearest SSSI. If any are associated

slurry wastes are to be spread on fields adjacent to Wet Moor or any other sensitive designated sites as a result of this dairy unit then we suggest stipulating that the Code of Good Agricultural Practice (CoGAP) be adhered to and that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive sites.

**SSDC Ecologist:** I am satisfied with the submitted ecological appraisal which identifies various potential issues. Great crested newts have been found at two ponds within 250-500m to the east of the site and it is possible that they are using the hedge and ditch network bordering the site as their main terrestrial habitat. There is a spoil heap on the site which could also be used by newts and which is likely to be subject to clearance of other development impact and a short section of boundary hedge to be removed. There is some potential therefore for the development to impact upon the newts

The development is unlikely to impact upon newts associated with known breeding ponds, but there is a small risk of newts, associated with other unsurveyed ponds in the vicinity, being present and impacted. The numbers present and impacted by development is likely to be very low and unlikely to be detrimental to the favourable conservation status of the species. I therefore do not consider that there is justification to delay the application in order to undertake further surveys (which could take until May 2013 to complete) but I do recommend a condition requiring further survey and assessment, and if necessary a method statement to minimise any risks of harm to newts.

The survey also identifies a main badger sett just outside the application boundary and several outlier setts along the boundary and there is potential for some harm to occur during construction. A condition is therefore recommended requiring the survey of the badgers setts at each significant stage of ground works.

**Royal Society for the Protection for Birds:** No comments received.

**Tree Officer:** Notwithstanding the Landscape Officer's comments I note that the submitted tree planting scheme lists all three available options (e.g. bare-rooted, root-balled or container grown) in relation to the larger sized trees. By virtue of their large sizes, such trees are especially vulnerable to drought-stress when newly planted and I would be grateful if it could be clarified that the larger trees be container-grown.

**Landscape Officer:** This site is agreed as being the best available site given the local landscape constraints with rising ground to the south and the presence of two gas mains passing close to the farm. Land to the south / southwest overlook the site, over which run a number of rights of way, whilst property along Witcombe Lane, which include a number of listed properties, will have a prospect of this unit. Beyond the immediate surround the site is obscured from wider view by landform and the succession of hedges and willow lines that intervene in low-trajectory views across the moorland. Hence other than from local receptors the visual impact is negligible. Locally however the proposal represents a substantive change in landscape and is potentially adverse, consequently there is a need for substantial and commensurate landscape mitigation in the form of woodland and hedgerow planting to intervene views and to provide an appropriate context for the development.

The landscaping proposal includes tree and hedgerow planting around the site and two substantial woodland blocks to break up the main views. The landscape layout and species composition is acceptable as is the proposed contouring of the site. The alignment of the buildings is sympathetic to the topography, however, the length of the cubicle building will appear incongruous and needs to be broken up visually for example by creating steps in its roof form. The proposed materials are acceptable.

The silage clamp is to be cut into the ground at the site's eastern end, this is acceptable provided the cut occurs at least 3.5 metres from the existing hedge and a hedge protection plan is implemented.

In conclusion, I do not see any undue impact upon the settlement or listed building settings, nor is the visual impact upon local receptors significantly adverse once mitigation is in place. Should the application be approved I would seek that the following be secured:

- An amended roof profile of the cubicle building;
- The proposed planting scheme to be undertaken within the first dormant season following completion of the ground formation works, in accordance with drawing number 495/01 P1;
- Ground modelling to accord with the details set out on drawing number 495/01 and 495/02; and
- A hedge protection proposal to be submitted prior to commencement.

In respect of revised drawings of the cubicle building it is considered that these amendments overcome earlier concerns in respect of the cubicle building.

**County Rights of Way:** There is a public right of way (PROW) that runs along the access to the site. The proposed works must not encroach on the width of the footpath and the health and safety of walkers must be taken into consideration during works. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the development. It is an offence to drive a vehicle along a public bridleway unless the driver has lawful authority to do so.

**SSDC Rights of Way:** No objection. The surface of Thornhill Drove is the responsibility of SCC so the applicant will need authorisation for any surfacing works of the drove, for example the continuation of the concrete track to the development site. It is recommended that the gate at the entrance to the drove be removed.

As the development is of an agricultural nature the possible offence under the Road Traffic Act of taking a motor vehicle onto a footpath or bridleway does not seem to apply.

**Conservation Officer:** Agrees with the views of the landscape officer.

**County Archaeologist:** The site lies within an area of high archaeological potential and there is a record of ridge of furrow on the Historic Environment Record as well as roman finds in the area, therefore the proposal is likely to impact on a heritage asset. There is currently insufficient information contained within the application on the nature of any archaeological remains to properly assess their interest. I therefore recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of the application. This is likely to require a desk-based assessment and a field evaluation as indicated in paragraph 128 of the NPPF.

## REPRESENTATIONS

Written representations have been received from ten local residents expressing the following observations and concerns:

- Increased traffic along narrow, winding lanes which have few passing opportunities.

- Over the past year current levels of farm traffic has been intolerable on occasions with frequency, speed and noise being an issue as well as damage to the road surface, verges and drainage.
- Harmful impact upon other road users, especially walkers, cyclists and horse riders.
- Increased mud and slurry left on lane making road conditions hazardous.
- The applicant should be made to clean the road, maintain ditches and culverts and cut verges and hedges on a regular basis.
- The plan to pump slurry away from the farm rather than being taken away by tankers must be proven.
- Traffic should not be taken through Milton.
- Traffic flow should be spread evenly between Witcombe and Milton.
- Passing places should be installed along Witcombe Lane.
- There should be a restricted speed limit for farm vehicles.
- Dirty water run-off into local water courses.
- Concerns about farm odours and flies.
- Concerns about mosquitos following the problems of last summer.
- Will fields that have previously been used for grazing now be used to grow crops which could impact on adjacent residents in terms of quality of life, outlook, smells from muck spreading and wildlife.
- Harm to local wildlife includes badgers, bats and great crested newts and potential contamination of local nature reserves (Ashmead Lake Nature Reserve).
- Question the validity of the ecology survey as there are many more bird species in the area than that reported in the survey. Otters are also in the locality.
- There should be a planting scheme including semi-mature trees to screen the new buildings.
- This is an area of outstanding natural beauty.
- It would be better if the new farm were sited on higher land further up Witcombe Lane where it would be more out of sight, away from the low-lying waterlogged land and easier to reach by farm traffic.

Written representations have also been received from the Ash Public Path Liaison Officer who notes that a public footpath passes along Ash Drove and Thornhill Drove that lead to the application site and question what provision has been made for walkers given that milk lorries and other large farm traffic would take up the width of the proposed road.

## **APPLICANTS CASE**

The proposed development is sought in response to the reduced profit margins resulting from the low milk price and increased production costs over the past 5 years or more and the applicants state that to remain financially viable the dairy herd needs to expand. Under the current proposal the dairy operation will be relocated to the new unit whilst the existing farmstead will be used to house dry cows, in-calf heifers and young stock.

The applicant states that the existing buildings are over 40 years old and it is becoming increasingly difficult to meet more stringent animal welfare and environmental regulations and customer standards. They do not see the refurbishment and extension of the existing farmstead however to be either a practical or feasible option due to the cost and disruption such refurbishments would cause and due to a mains gas pipeline which passes immediately to the north of the existing unit. The provision of the new dairy unit will enable the holding to address the animal welfare and environmental concerns, will increase the holdings resilience both financially and in terms of meeting likely forthcoming regulation requirements, in particular such as for the storage and disposal of

farm waste.

It is understood that the applicants have carried out a consultation exercise with the residents of nearby Milton and have written to them stating that they will no longer take farm traffic through the hamlet following this application.

## **CONSIDERATIONS**

The application site is greenfield land and is located in the open countryside. The proposal is seeking to create a new dairy unit in association with the existing dairy holding known as New Witcombe Farm and includes the provision of an extensive range of buildings and structures so that the holding can expand from 400 to 800 dairy cows and to enable their calf rearing operations to be brought back to the farm. The proposal is sought in order to improve the viability and resilience of this farm enterprise both financially as well as in terms of meeting more stringent animal welfare and environmental legislation. Part 3 of the NPPF offers clear support to the development and diversification of agricultural businesses in rural areas. Clearly land-based operations such as the proposed dairy unit need to be located in the countryside, as such the principle of the proposed development in this location is considered to be acceptable.

The key issues in respect of this application are set out as follows:

### **Environmental Impact Assessment (EIA)**

This proposed development relates to the provision of more than 20,000 square metres of built development and, whilst dairy farming does not usually fall within the category of intensive farming, in this instance the cows will spend most of their time under cover in a relatively small space and is therefore considered to be intensive in nature. Under such circumstances the proposal requires an EIA Screening Opinion as set out within Part 1c of Schedule 2 of The Town and Country (Environmental Impact Assessment) Regulations 2011.

Prior to the submission of this application the applicants requested an EIA Screening Opinion to determine whether an EIA would be required. On assessing the proposal against the criteria set out within Schedule 3 of the EIA Regulations and having sought the views of the Environment Agency, English Nature and SSDC's Ecology, Landscape and Environmental Health Officers it was determined that the potential effects of the proposed development were not so significant as to require an EIA.

### **Flood risk / drainage, storage and disposal of farm waste**

The application site is not located in an area that is known to be at risk of flooding, however, due to the size of the proposed development a Flood Risk Assessment (FRA) was required as part of this submission to demonstrate that drainage matters would be addressed in a sustainable manner and to safeguard against flooding and contamination in the locality.

Whilst the Environment Agency initially objected to the application based on the initial FRA supplied, the applicant has since submitted amended details that satisfy their concerns. On the basis of the revised FRA the Environment Agency has withdrawn their earlier objection subject to a number of conditions relating to the provision of a Farm Waste Management Plan (to deal with the storage and disposal of effluent and dirty water), a Construction Environmental Management Plan (in respect of the slurry and



silage storage facilities) and a Dirty and Clean Water Drainage Scheme. Provided these conditions are imposed it is considered that the adequate measures will be put in place to safeguard the development against increased run-off and potential contamination concerns and that it will not cause any undue risk to the quality of the local water courses.

## **Ecology**

The application site falls partly within the consultation buffer zone for an RSPB reserve and is relatively close to other wildlife / habitat sites including a RAMSAR site, SSSI and County Wildlife Sites.

SSDC's Ecologist raised the issue of ammonia emissions and nitrogen deposition that can arise from some types of large scale intensive agricultural units and which could impact harmfully on some of these nearby designated sites. Whilst an emissions survey has not been provided Natural England has noted that airborne emissions drop away quickly in the atmosphere and are of the opinion that given the distance from the development to the nearest SSSI and RAMSAR sites that the proposal is unlikely to have any significant adverse effect in this regard. English Nature has noted that the Code of Good Agricultural Practice should be adhered to by the applicants and that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive sites, matters that can be dealt with by an informative note.

An Ecology Survey accompanied this application. The findings of the survey has been questioned by several local residents, however, SSDC's Ecologist is satisfied the commissioned appraisal and is of the opinion that it is thorough in scope. It is noted that Great Crested Newts (a European Protected Species) have been recorded at two ponds a short distance to the east of the application site, there are also a number of other ponds in the area (outside the site) that have not been surveyed for newts. Newts spend the majority of their time on land using hedge and ditch networks and only use ponds for breeding. The majority of the hedge and ditch network surrounding the application site will be retained and not subject to any direct or significant development impacts, however, a short section of hedge will be removed to form a new access to the site and there is a spoil heap and area of ruderal vegetation that are likely to be cleared and could potentially be used by newts. As such whilst the council's Ecologist does not consider there to be sufficient justification to delay the application for further survey work to be undertaken they recommend that a further survey and along with any necessary mitigation is secured by pre-commencement condition.

The Ecology Survey also identified the presence of badgers in the area including a sett just outside the application boundary and outlier setts along the boundary. The Ecologist therefore also recommends a condition requiring a survey of the badger setts during the construction phase of the development.

## **Hazardous Installations**

There are two high pressure gas pipelines that pass close to the site, one to the north and one to the south. The National Grid have raised no objections to the proposal and it is understood that the development should not affect access to the pipelines for maintenance purposes or result in any health and safety concerns.

## **Traffic implications and highway safety**

A number of local residents have expressed concern in respect of the likely increase in traffic resulting from the proposed development noting the narrow, winding nature of the

approach roads and the lack of adequate passing places. Specific concerns relating to the frequency, speed and noise of farm traffic and the build-up of mud and slurry on the roads over the last year has been raised and the adverse impact this has had on the road surface, verges and drainage as well as the safety of other road users. There has also been a request that the applicant be made to carry out a regular program of road cleaning and maintenance of ditches, culverts, verges and hedge cutting and the construction of additional passing places along Witcombe Lane.

In the applicant's Transport Statement it was stated that the proposed development would result in the two-fold increase in the on-site dairy and calf-rearing / cattle operation and lead to an increase in full-time staff numbers (full-time) from six to 14 and could result in a doubling of traffic movements to the farm compared to that existing. They further noted that whilst the farm was a 24 hour, 7 day a week operation that the majority of movements, in particular deliveries, vet visits and staff movements etc, tended to occur during the core working hours of 05.00 – 17.50 Monday to Friday. On this basis they estimated that there would be 67 two-way movements on weekdays which worked out at 5.5 two-way movements per hour during these core hours and a much reduced number outside these times. It is understood that the majority of traffic visiting and leaving the farm approach along Witcombe Lane.

The application site is approached via Witcombe Lane to the south and Milton Lane and Paynes Lane to the west, all three of which are narrow, winding, single track lanes that have limited passing places. Given the significant increase in traffic identified by the transport assessment and the substandard nature of the approach roads and lack of any mitigation measures the highway authority initially objected to the proposal. In response to these concerns however the applicant has proposed the construction of a number of passing bays along Witcombe Lane and Thornhill Drove and has submitted a supplementary addendum to the Transport Statement setting out an overall increase of 8 x two-way HGV movements per month.

Whilst the proposal is likely to generate a significant increase in small vehicle movements to the site, in particular staff cars, given the relatively modest overall increase in large vehicle movements and the provision of off-site passing places the highway authority has dropped their earlier objection. The access via Thornhill Drove onto the public highway to the west raises no visibility concerns and the proposal incorporates a satisfactory level of parking.

With regard to a neighbour's request for the applicant to undertake a regular maintenance scheme of the local highway network, to include road cleaning, maintenance of ditches and culverts etc, such a requirement is not considered to be reasonable or necessary. Many of these issues are in any case covered by separate legislation to planning which places a responsibility on the relevant landowner / road user to ensure the highway network maintained in a safe condition.

For the above reasons and provided the proposed passing places are secured by condition, the proposed dairy unit is not considered to raise any substantive highway safety concerns.

### **Residential amenity**

The proposed dairy unit is situated in a relatively sparsely populated area with the closest residential properties located in nearby Witcombe (approximately 490m to the west). Other nearby properties include a bungalow located adjacent to the existing farm unit to the west which is an agriculturally tied property and a neighbouring farm to the northeast. A number of local residents have raised concerns about the generation of

odours and flies as a result of the new dairy unit.

The Council's Environmental Health officer has confirmed that they are satisfied with this assessment and that the proposal should not result in any significant odour concerns for local residents. Whilst the proposed scheme will lead to an accumulation of muck, slurry and dirty water on site and is therefore likely to give rise to an increase in flies and other insects and vermin, given the distance of the site from the nearest protected buildings the proposal is unlikely to result in an unacceptable nuisance in this regard. For the same reason the on-site activities resulting from the proposal should not result in any unacceptable levels of noise or other disturbance to local residents.

### **Visual amenity and landscape impact**

The proposed development covers a 17 hectare site and incorporates the erection of 20,000 square feet of built form, including a cubicle building measuring approximately 330m in length, and is of a scale that cannot be described as being strictly commensurate with the character and pattern of the local landscape features and existing built development. The application site, however, occupies a relatively low position within the landscape and whilst there are near-views of the site, in particular from the rising ground to the south and the public footpath that passes along Thornhill Drove, it is obscured from wider view. A comprehensive landscaping scheme forms part of this submission and includes some remodelling of the application field to aid how the new buildings sit within the site and a substantive planting scheme including reinforcing the existing field hedgerows and the planting of blocks of woodland on the southern side of the development. The roof form of the long cubicle building has also been amended to include stepped breaks along its length in response to the Council's Landscape Officer's comments. Following this revision and subject to conditions to secure the landscaping scheme the proposed development is not considered to raise any substantive visual amenity or landscape harm.

The Council's Environmental Health officer has confirmed that the detailed lighting scheme that has been provided by the applicant is satisfactory and the proposal should not generate a level of light pollution that would be unduly harmful to the rural character of the locality.

### **Public footpaths**

The site is accessed via Thornhill Drove along which passes a public footpath. Neither the County Council's or SSDC's Rights of Way Officers have raised any objection to the proposed development or the use of the public right of way as a means of access to the site. It is noted that part of the drove has already been surfaced with concrete but that the proposal includes a requirement for a further 120m of the drove to be similarly surfaced in order that a suitable means of access to the site be achieved. There are no objections to the principle of the proposed surfacing works, however, the applicant will need to apply to carry out these works to County Rights of Way.

The Ash Public Path Liaison Officer has questioned what provision will be made for walkers along Thornhill Drove with particular reference to where walkers are expected to stand to allow vehicles to pass given the narrow width of concrete track (3m). As part of the development the applicant is proposing the formation of a passing place part way along the drove between the public highway and application site and along much of the route there is a grassed verge and a number of gateways where there is space to stand. Whilst the amenities of walkers using this ROW will undoubtedly be affected by the increased traffic along the drove the proposal should not result in any obstruction to these users or result in any substantive health and safety concerns.

## Archaeology

There is a record of ridge and furrow and roman finds in the area and the site is considered to lie in an area of high archaeological potential. No archaeological assessment has to date been made of the site and County Archaeology considers that there is a potential for the proposal to adversely impact on a heritage asset and has therefore requested that a survey of the site be undertaken prior to the determination of the application. At the time of writing this report the applicant had submitted a desk-based study and was in discussions with County Archaeology as to what other information was required. County Archaeology's comments in respect of the desk-based study have yet to be received and the following recommendation is made subject to their further comments and recommendations. An oral update in the respect will be made.

Several of the properties located along Witcombe Lane are listed properties, including Lower Witcombe Farm which is visible from the application site, however, given the distance of this property from the site the proposal is not considered to harm its setting. The Conservation Officer has raised no objections.

## Conclusion

The proposed dairy unit represents a significant investment in the rural economy which, in principle, should be supported under the provisions of the National Planning Policy Framework, subject to the consideration of the site specific impacts. It is considered that the increased traffic that would arise could reasonably be accommodated on the local road network subject to modest off-site improvements which the applicant is will to undertake. In terms of the immediate environment it is accepted that reasonable precautionary measures would safeguard ecological and amenity interests and that appropriate surface water drainage measures could be put in place.

Accordingly subject to appropriate conditions to ensure suitable mitigation measures are agreed and implemented it is not considered that the any undue harm would arise

## RECOMMENDATION

Subject to no objection being raised by the county archaeologist planning permission be granted.

## Justification

The proposed dairy unit would make an important contribution to the rural economy without significant adverse impact on highways safety, ecology, visual or residential amenity or the environment. As such the proposal complies with the policies contained with the National Planning Policy Framework.

## SUBJECT TO THE FOLLOWING 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 development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan – 01920 / 01 received 24/12/2012;
- Site Plan – 01920-00-E /01 received 08/03/2013;
- Landscape Sections – 495/02 P1 received 24/12/2012;
- Cubicle Building (Elevations) – 01920-01-C / 03-C received 08/03/2013;
- Cubicle Building (Elevations) – 01920-01-C / 04-C received 08/03/2013;
- Cubicle Building (Plan) – 01920-01-A / 01 received 24/12/2012;
- Cubicle Building (Plan) –01920-01- A / 02 received 24/12/2012;
- Isolation Boxes (Plan and Elevations) – 01920-02-A / 01 received 24/12/2012;
- Storage Building (Plan and Elevations) – 01920-04-A / 01 received 24/12/2012;
- Straight Store (Plan and Elevations) – 01920-05 / 01 received 24/12/2012;
- Silage Clamp (Plan and Elevations) – 01920-06 / 01 received 24/12/2012

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

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

Reason: To safeguard the rural character of the locality in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

04. There shall be no means of external illumination / lighting other than that set out within the external lighting scheme, including the written specification and following plans received 08/03/2013, unless otherwise agreed in writing by the local planning authority:

- Storage Building – 01920-04-B / 01-B;
- Cubicle Building – 01920-01-B / 03-B;
- Cubicle Building – 01920-01-B / 04B;
- Parlour Building – 01920-03-B / 01-B.

Reason: To safeguard the rural character of the locality in accordance with Policies ST6, EC3 and EP3 of the South Somerset Local Plan.

05. The development hereby permitted shall not be first brought into use unless the passing places detailed on drawing number 30 dated 07/03/2013 have been constructed and completed to the satisfaction of the local planning authority.

Reason: In the interest of highway safety to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST5 of the South Somerset Local Plan.

06. The development hereby approved shall not be commenced unless a Farm Waste Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable and shall thereafter be permanently complied with unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

07. The development hereby approved shall not be commenced unless a Construction Environmental Management Plan, incorporating construction details of the slurry and silage storage facilities, has been submitted to and approved by the local planning authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

08. The development hereby approved shall not be commenced unless a detailed scheme for contaminated and clean surface water run-off, include details of the surface water run-off limitation scheme, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify all final construction details and levels/specifications for the sites water management system, and shall also specify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in full accordance with the approved programme and details and shall thereafter been permanently retained and maintained in this fashion, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with Part 11 of the NPPF and Policy EP9 of the South Somerset Local Plan.

09. The development hereby permitted shall not be commenced (including any ground works, site clearance, or creation of new accesses) unless a further survey and impact assessment for great crested newts has been submitted to and approved in writing by the local planning authority. Unless the survey and impact assessment concludes negligible risk of harm to great crested newts, a Method Statement detailing measures for the avoidance of harm, mitigation and compensation, shall be submitted to and approved in writing by the local planning authority. The approved Method Statement shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan and to ensure compliance with the Wildlife and Countryside Act 1981 and the Habitats Regulations 2010.

10. No development hereby approved shall take place until details of an outline for a phased programme of badger protection measures has been submitted to an approved in writing by the local planning authority. Subsequently prior to, and within 2 months of, commencement of each significant stage of ground works, a survey for badger setts will be undertaken by a competent person, and if any are present within 30 metres (including on adjoining land) of the area of activity, the works shall not commence until a method statement for the protection of badgers has been produced and any necessary Natural England licences have been obtained. The method statement shall be implemented in full.

Reason: For the conservation and protection of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

11. The planting scheme detailed on drawing number 495/01 P1 received 24/12/2012 shall be completely carried out within the first available planting season following the completion of the ground formation works that form part of the development hereby permitted. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a health weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

12. The ground modelling works that form part of the development hereby permitted shall be carried out in full accordance with the details set out on drawings numbered 495/01 P1 and 495/02 P1 received 24/12/2012.

Reason: To safeguard the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

13. The development hereby permitted shall not be commenced unless a Hedge Protection Plan has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in full accordance with the approved Hedge Protection Plan.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area in accordance with Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

14. Any conditions reasonably recommended by the County archaeologist to safeguard the archaeological potential of the site.

#### **Informatives:**

01. The developer is advised that works will not be permitted to commence on the public highway until a Section 278 Highways Agreement has been signed agreeing to the off-site highway improvements to serve the site.
02. Please be aware of the guidance and notes set out within the Environment Agency's comments dated 13/03/2013, a copy of which is available on the Council's website.
03. The applicant's attention is drawn to the advice set out within the notes set out within the National Grid's consultation response dated 06/02/2013 with regard to the high-pressure gas pipelines that pass close to the application site, a copy of which is available on the Council's website.
04. The applicant's attention is also drawn to the Code of Good Agricultural Practice (GoCAP) for the disposal of slurry wastes and is reminded that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive ecological sites.
05. Please note the comments made by County Rights of Way dated 21/01/2013 in respect of any disruption to the public footpath that bounds the site, a copy of which is available on the Council's website.