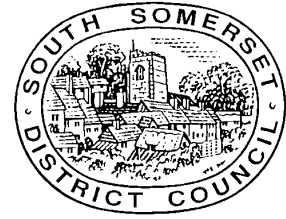


**South Somerset District Council**  
*Notice of Meeting*



# Area North Committee

*Making a difference where it counts*

**Wednesday 28 August 2013**

**4.00pm**

**The Village Hall  
New Road  
Norton Sub Hamdon  
TA14 6SF**

(location plan overleaf - disabled access is available at this meeting venue)



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The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, Becky Sanders on Yeovil (01935) 462462.

email: [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

website: [www.southsomerset.gov.uk/agendas](http://www.southsomerset.gov.uk/agendas)

This Agenda was issued on Monday 19 August 2013.

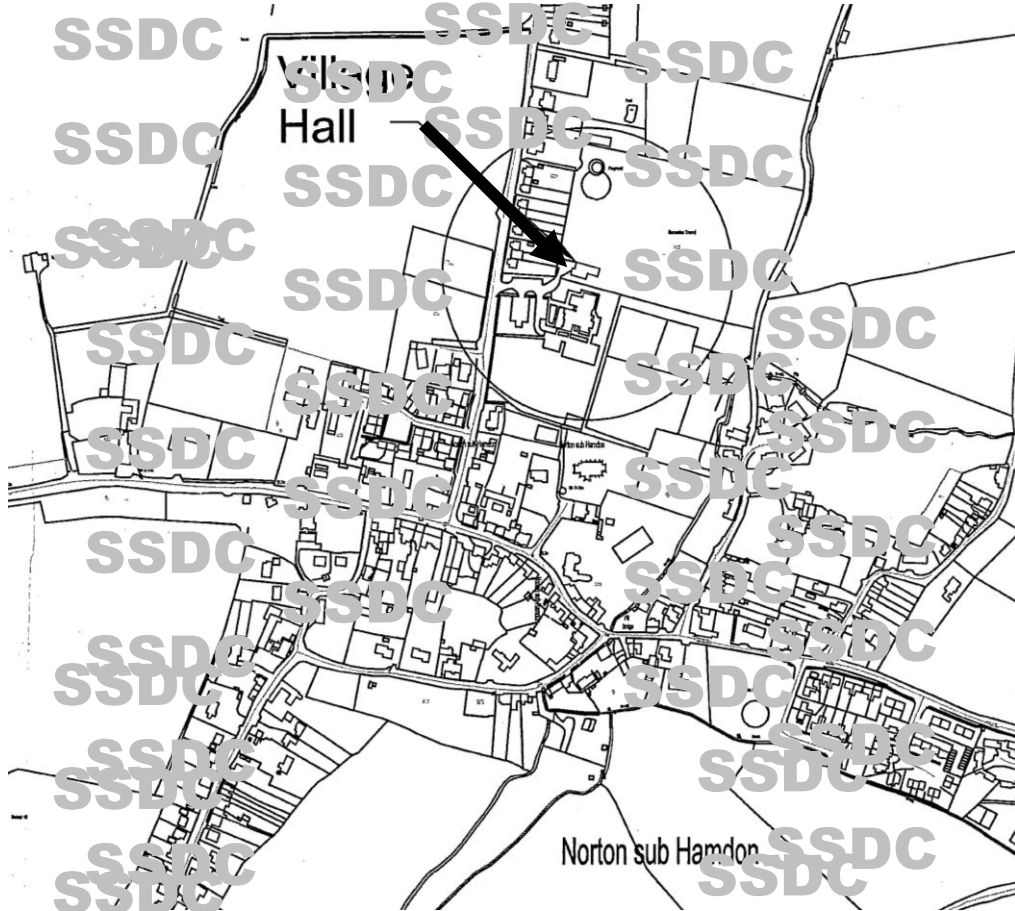
*Ian Clarke, Assistant Director (Legal & Corporate Services)*

**This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)**



INVESTOR IN PEOPLE

Location of meeting venue



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SSDC

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## Area North Membership

Pauline Clarke  
Graham Middleton  
Roy Mills  
Terry Mounter  
David Norris

Patrick Palmer  
Shane Pledger  
Jo Roundell Greene  
Sylvia Seal

Sue Steele  
Paul Thompson  
Barry Walker  
Derek Yeomans

### Somerset County Council Representatives

Somerset County Councillors (who are not also elected district councillors for the area) are invited to attend area committee meetings and participate in the debate on any item on the agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.**

### South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

### Scrutiny procedure rules

Please note that 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.

### Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 4.00pm, following a break for refreshments, in the order shown 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. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

### Highways

A representative from the Area Highways Office will attend Area North Committee quarterly in February, May, August and November – they will be available from 1.30pm at the meeting venue to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

### Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

## 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”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions 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 (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North.

Agendas and minutes of area committees are published on the council’s website [www.southsomerset.gov.uk /agendas](http://www.southsomerset.gov.uk/agendas)

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

### Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

### 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**

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

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.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

### **If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

# Area North Committee

**Wednesday 28 August 2013**

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the meeting held on 24 July 2013**
2. **Apologies for absence**
3. **Declarations of interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), 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. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### *Planning applications referred to the Regulation Committee*

The following members of this committee are also members of the council's Regulation Committee:

Councillors Terry Mounter, Shane Pledger and Sylvia Seal.

Where planning applications are referred by this committee to the Regulation Committee for determination, in accordance with the council's Code of Practice on Planning, 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 will be held at 2.00pm on **Wednesday 25 September 2013 at the Village Hall, Chilthorne Domer.**

- 5. Public question time
- 6. Chairman’s announcements
- 7. Reports from members

*Page Number*

***Items for Discussion***

- 8. Area North Committee – Forward Plan ..... 1
- 9. Planning Appeals ..... 4
- 10. Planning Applications..... 17

**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.**

Area North Committee – 28 August 2013

## 8. Area North Committee – Forward Plan

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Directors:* Helen Rutter & Kim Close, Communities  
*Service Manager:* Charlotte Jones, Area Development (North)  
*Lead Officer:* Becky Sanders, Committee Administrator  
*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 at Appendix A 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 the Agenda Co-ordinator; Becky Sanders.

**Background Papers:** None

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## Appendix A – 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; Becky Sanders, [becky.sanders@southsomerset.gov.uk](mailto:becky.sanders@southsomerset.gov.uk)

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
25 Sept '13	Neighbourhood Policing update	An opportunity for discussion of current community safety priorities.	SGT Rob Jameson – Avon & Somerset Constabulary
25 Sept '13	SSDC Community Offices	Update report on SSDC Community Office service	Madelaine King-Oakley, Community Office Support Manager
25 Sept '13	Area North Community Grant	Consideration of a request for financial assistance by Roundabout Pre-School, Somerton.	Teresa Oulds, Neighbourhood Development Officer (North)
23 Oct '13	<i>Area North – Holiday Play Schemes</i>	<i>A report on support provided to community led holiday play schemes</i>	<i>Sara Kelly, Neighbourhood Development Officer (North)</i>
23 Oct '13	<i>Area Development Plan update</i>	<i>A report on the progress of the Area Development Plan – the programme of investment into local community priorities supported by the Area Committee.</i>	<i>Charlotte Jones, Area Development Manager (North)</i>
23 Oct '13	<i>Building at Risk (Confidential)</i>	<i>A report on a particular historic building in Area North, with an assessment of the council's options for its longer term conservation.</i>	<i>Ian Clarke, Assistant Director (Legal and Corporate Services)</i>
23 Oct 2013	South Somerset Citizens Advice Bureau (CAB)	Presentation on the work of the South Somerset CAB.	Georgina Burton, CEO of South Somerset CAB
Oct /Nov	<i>South Somerset Disability Forum / Community Building Access Reviews</i>	<i>Presentation on the work of the South Somerset Disability Forum (SSDF) including recent work commissioned by SSDC to conduct access reviews of community buildings.</i>	<i>Jo Morgan, Community Cohesion Officer</i>

27 Nov '13	Highways update	Half yearly report - update on SCC Highways Services.	Neil McWilliams, Assistant Highway Service Manager (SCC)
27 Nov '13	Streetscene update	Half yearly update on the performance of SSDC Streetscene Services	Chris Cooper, Streetscene Manager
27 Nov '13	Review of Member Representation on Outside Bodies (Confidential)	To comment upon the findings of the Area Development team (North) regarding member representation on Outside Bodies.	Charlotte Jones Area Development Manager (North)
29 Jan '14	Local Housing Needs in Area North	A report on the services provided by the Housing and Welfare Team and an update on housing need in Area North.	Kirsty Larkins, Housing and Welfare Manager
TBC	Community Youth Project	Update report from the Community Youth Project, whose members include Martock, Somerton, Tintinhull, the Hamdons, and Kingsbury Episcopi.	Teresa Oulds, Neighbourhood Development Officer (North)
TBC	Martock Job Club	Update report on the progress of the community led Martock Job Club, which opened in September 2012.	Teresa Oulds, Neighbourhood Development Officer (North)
TBC	Joint review of flood prevention and resilience in Somerset (Flood Summit)	To provide feedback from Flood Summit, and wider research undertaken through a county wide local authority led task and finish group.	TBC
TBC	Levels and Moors Task Force	An update report on the progress of the newly established Levels and Moors task force.	TBC (N.B. may be merged with the Flood Scrutiny report)

Area North Committee – 28 August 2013

## 9. Planning Appeals

*Strategic Director:* Rina Singh, Place & Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* As above  
*Contact Details:* david.norris@southsomerset.gov.uk or (01935) 462382

### 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

13/02245/FUL – Land at Bridgehorn, Henley, Langport.  
Retention of 2 no. storage agricultural containers for agricultural purposes.

13/00310/FUL – Acre Cottage, Stoney lane, Curry Rivel, Langport TA10 0HY.  
Erection of a bungalow.

### Appeals Dismissed

12/04365/FUL – Former Jigsaw Factory & 12 Gastons Lane. Bower Hinton, Martock.  
Erection of 10 new dwellings with associated access, car parking and landscaping together with partial demolition and alterations to No.12 Gastons Lane to form a one-bedroom dwelling.

12/04899/FUL – 1 Bearley Cottages, Bearley Lane, Tintinhull.  
Erection of a two storey extension to side of dwellinghouse.

### Appeals Allowed

12/04366/FUL – Wagg Meadow Farm, Wagg Drove, Huish Episcopi, Langport.  
Retention and use of unauthorised structure for staff facilities, storage, packing and activities associated with the processing of poultry (B2 use), erection of an agricultural barn and siting of a temporary agricultural worker's dwelling.

The Inspector's decision letters are shown on the following pages.



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# Appeal Decision

Site visit made on 22 July 2013

**by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 July 2013**

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**Appeal Ref: APP/R3325/A/13/2196074**

**Land to the rear of nos. 12 and 13 Gastons Lane, Bower Hinton, Somerset, TA12 6LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by M W Slade and Son Ltd against the decision of South Somerset District Council.
  - The application ref. 12/04365/FUL, dated 5 November 2012, was refused by notice dated 1 February 2013.
  - The development proposed is: construction of 10 dwellings together with associated access, car parking and landscaping and partial demolition and alterations to no. 12 Gastons Lane to form a 1-bedroom dwelling.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The Council accepts that it cannot demonstrate a five year housing land supply. In such cases, paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date. The appeal site lies substantially outside the development area defined in the South Somerset Local Plan (LP). LP policy ST3 aims to place strict controls on new development outside development areas. However, in the light of the District's housing land supply position the Council accepts that this policy is out-of-date with regards to the restraint of housing supply – a view that is consistent with that taken by an Inspector in an appeal in Wincanton in 2012<sup>1</sup>.
3. As a result of these factors, and bearing in mind the Framework's presumption in favour of sustainable development, the main issue in this appeal is whether the potential contribution of the appeal scheme to the supply of housing is outweighed by any other considerations – specifically:
  - (a) the effect of the proposal on the area's character and appearance, taking into account its relationship to the Conservation Area and listed buildings in the site's vicinity; and
  - (b) whether, as a result of its relationship to services and facilities, the proposal would lead to an unacceptable increase in private vehicle use.

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<sup>1</sup> Appeal reference: APP/R3325/A/12/2170082.

## Reasons

### *Character and Appearance*

4. The appeal site comprises an approximately L-shaped area of land to the south of, and rising up from, Gastons Lane. It was formerly occupied by a factory making jigsaw puzzles. This has been demolished: its removal was a requirement of a previous planning permission to erect two dwellings next to no. 12 Gastons Lane.
5. The appellant takes the view that the site comprises previously-developed land. However, while an outbuilding remains (the removal of which is also apparently required by the above-noted permission), the footprint of the main former factory building is not easily discernible. Other remaining structures within the site either have a domestic character (notably a double garage sited behind no. 11's back garden) or are small sheds. In the Council's view, the previous permission effectively created a new planning chapter in the site's history.
6. Much of the site is grassed and there is a small vegetable patch. Although building materials were being stored at the time of my visit, such storage does not appear to have the benefit of planning permission. Taking the above factors together, and given that the main former factory building has blended into the landscape, I consider that the site does not amount to previously-developed land in the terms of the Framework's Appendix 2.
7. To the north, the site is separated from Gastons Lane by residential properties. In effect, it represents a 'backland' site. No. 12 Gastons Lane (which is included within the site boundary) would be partly demolished to allow an existing access (running between nos. 12 and 13) to be widened. To the south and west of the site lie open fields, bounded by hedgerows. On its eastern side is a mix of garden, paddock and orchard land: the nearest dwellings on Back Lane, which are within the Conservation Area, lie on the opposite (eastern) side of this land. These properties, which include some listed buildings, are not easily seen from the appeal site, the eastern end of which is well-screened by mature trees and shrubs.
8. As such, the appeal site is largely adjoined by open or unbuilt land. Its existing structures and usage give it an informal and low density character. I agree with the Council's assessment that the site lies within an area of transition between the built form of the settlement and the open farmland beyond.
9. The dwellings now proposed would be broadly similar in character to those on Gastons Lane. However, their plot sizes would be generally smaller than those properties, while the proposed density of development within the site would depart markedly from the open and unbuilt character of the land immediately to the west, south and east. The overall effect would be of an L-shaped finger of built development projecting into substantially undeveloped surroundings. This would create an abrupt contrast that would conflict with the transitional nature of the site and its surroundings as described above. Although there would be some scope to add further planting, along the lines suggested by the appellant in a subsequently submitted landscape plan, this would not affect the layout or density of the scheme now proposed. The adverse effects described above would not be overcome.
10. For the reasons set out above, the appeal site is not easily seen in public views either into or out of the Conservation Area. I agree with the appellant that the

new dwellings would be sufficiently well-separated from the Conservation Area and the nearest listed buildings to avoid harming their respective settings. While the Council raises concerns about the scheme's impact when seen from the River Parrett Trail, this runs some distance to the north of the site: although the proposal would be visible in such views, the substantial degree of mutual separation would prevent it from appearing unduly prominent.

11. However, I do not share the appellant's assessments of the likely prominence of the appeal scheme in other key views. When seen from Gastons Lane and the footpath crossing the field immediately to the north of Gastons Lane, the upper parts of the new houses fronting the scheme's access drive would be seen behind and above the retained frontage dwellings. In such views, the scheme's visibility would be amplified by the intended removal of part of no. 12. The abrupt contrast described above would be apparent.
12. The impact of the appeal scheme would be even more striking when seen from the permissive footpath that links the footpath section of Gastons Lane with Cripple Hill to the south. Existing views towards the site from this direction are generally open: the denser development of the village core is not easily seen. The appeal scheme would extend into this open view, appearing as a new built edge to the settlement that would be at odds with the transitional nature of the site and its surroundings, as already discussed. Taking the above factors together, I consider that the proposal would unacceptably harm the area's character and appearance. In this regard it would conflict with LP policies EC3, ST5 and ST6.

#### *Relationship to Services and Facilities*

13. Although extending outside the defined development area boundary, the appeal proposal would adjoin the existing settlement. It would be within walking distance of a bus stop and other facilities within Bower Hinton: this is physically joined to Martock which has a greater range of local services.
14. In planning policy terms, Martock/Bower Hinton is not a settlement in which the LP seeks to restrict further development as a result of sustainability concerns. Residential planning permissions have been granted (or are minded to be granted) elsewhere in the settlement and there is an extant employment allocation on the south side of Bower Hinton. Further housing development in the settlement is anticipated in the Council's 2011-2012 Annual Monitoring Report. In commenting on the appeal application, the local highway authority considered the site's accessibility but raised no in-principle objections. Taking these factors together, it has not been demonstrated that the proposal's relationship to services and facilities would lead to an unacceptable increase in private vehicle use. In this regard, it would accord with LP policy ST5 and policies STR1 and STR6 of the Somerset and Exmoor Joint Structure Plan.

#### *Overall Conclusion*

15. For the reasons set out above, it has not been demonstrated that the proposal's relationship to services and facilities would lead to an unacceptable increase in private vehicle use. However, this factor is outweighed by the unacceptable harm that would result to the area's character and appearance. Bearing in mind that the National Planning Policy Framework attaches great importance to the design of the built environment and states that planning decisions should address, among other matters, the integration of new

development into the natural and built environment<sup>2</sup>, this harm is serious enough to overcome the scheme's benefits in terms of housing delivery. Accordingly, I conclude that the potential contribution of the appeal scheme to the supply of housing is outweighed by the unacceptable harm that would be caused to the area's character and appearance. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

*M J Hetherington*

INSPECTOR

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<sup>2</sup> National Planning Policy Framework paragraphs 56 and 61.



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# Appeal Decision

Site visit made on 24 June 2013

**by T M Smith BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 July 2013**

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**Appeal Ref: APP/R3325/D/12/2198623**

**1 Bearley Cottages, Bearley Lane, Tintinhull, Yeovil, Somerset, BA22 8PE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S Knight against the decision of South Somerset District Council.
  - The application Ref 12/04899/FUL, dated 13 December 2012, was refused by notice dated 28 February 2013.
  - The development proposed is a 2-storey extension.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the existing property, 1 Bearley Cottages, and on the pair of semi-detached dwellings, of which it is a part.

## Reasons

3. 1 Bearley Cottages comprises a two storey semi-detached property that is located at the end of Bearley Lane and occupies an elevated position set back from the road. It has a conservatory on its front elevation, and similar to the adjoining property, it features a two storey hipped roof projection to the side elevation as well as a two storey flat roof extension to the rear. The appeal property is situated within a generous plot and contains a single storey detached garage that is off-set from the front elevation.
4. The proposal would extend the existing property to the side and would also replace the roof of the existing hipped and flat roofs to provide a uniform ridge height. However, the extension would be some 8 metres in width, equal to the total width of the existing property which would double its footprint. Furthermore, although set further back into the plot, the ridge height of the extension and replacement roof would be some 200mm above the ridge height of the existing property.
5. From Bearley Lane opposite the appeal site, Nos 1 and 2 currently appear to be balanced in terms of their overall scale, massing and design. I accept that the existing flat roof extensions are not positive features of the property. However, these extensions, as well as the conservatory, are subservient additions and are positioned so that they do not detract from the overall balanced scale, bulk and appearance of the pair of dwellings.



6. Although the proposed extension would be constructed of matching materials and could be easily accommodated within the appeal site, due to its width, height and scale it would both dominate and be disproportionate to the existing property. Consequently, it would cause unacceptable harm to its character and appearance. Furthermore, the proposed extension would greatly unbalance the pair of semi-detached dwellings to the detriment of their character and appearance.
7. In conclusion, the proposed development would unacceptably harm the character and appearance of the existing property, 1 Bearley Cottages and the pair of semi-detached dwellings, of which it is part. I reach this conclusion notwithstanding the fact that Bearley Lane is lightly trafficked. Consequently, it would conflict with policies ST5 and ST6 of the *South Somerset Local Plan* as well as policy STR1 of the *Somerset and Exmoor National Park Joint Structure Plan*, which seek, amongst other things, to ensure that development should be of high quality, good design and reflect local distinctiveness; and that the scale, mass and height respects the form, character of their surroundings.

#### *Other Matters*

8. The appellant has pointed to a need to extend the existing four bedroom house to provide additional accommodation for her family and to the lack of large properties in the area. These personal reasons to provide accommodation for a growing family are appreciated, but this has to be balanced against the harm that would arise from the proposed extension, which would continue to exist long after the personal needs have ceased. The personal needs in this case do not outweigh the concerns in respect of the harm that would arise to the character and appearance of the existing property and the pair of semi-detached properties as a whole.

#### **Conclusions**

9. For these reasons above, and having regard to all other matters raised, including the Parish Council's support for the scheme, I conclude that the appeal should be dismissed.

*TM Smith*

INSPECTOR



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# Appeal Decision

Hearing held on 25 June 2013

Site visit made on 25 June 2013

**by David Morgan BA MA (IoAAS) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 July 2013**

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**Appeal Ref: APP/R3325/A/13/2193795**

**Wagg Meadow Farm, Wagg Drove, Langport, Somerset TA10 9ER**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Simon Davis against the decision of South Somerset District Council.
  - The application Ref 12/04366/FUL, dated 6 November 2012, was refused by notice dated 5 February 2013.
  - The development proposed is provision of siting of temporary agricultural workers dwelling in the form of two linked mobile homes; the erection of one agricultural barn; change of use of one building for industrial development, with staff facilities, refrigeration and storage, food packaging storage, and area for egg incubation (agricultural use) all ancillary to the primary use, B2 poultry processing (retrospective planning permission required).
- 

## Decision

1. The appeal is allowed and planning permission is granted for alterations to existing barn structure, including creation of staff facilities, storage, packing and activities associated with the processing of poultry (B2 use), erection of agricultural barn and siting of temporary agricultural workers dwelling at Wagg Meadow Farm, Wagg Drove, Langport, Somerset TA10 9ER in accordance with the terms of the application, Ref 12/04366/FUL, dated 6 November 2012, subject to the conditions set out in the schedule at the end of this decision.

## Procedural matters

2. The description of development set out in the formal decision differs from that set out in the planning application, that set out on the decision notice and that set out in the appeal application form, all of which are in fact different. At the Hearing it was agreed that a hybrid description more accurately and succinctly reflecting what was proposed should be preferred; this is reflected in the wording of the formal decision above.
3. The Council raise no objection to the change of use of the existing building ('Barn 1') as such (subject the highways objection) nor do they object to the proposed second barn on the site. The Council do however express concern over the future use of the Barn 1 in the event the present/proposed business fails; this is addressed in *Other matters* below.
4. An Order revoking The Regional Strategy for the South West came into force on the 20 May 2013, after the lodging of this appeal. This Order also revokes the saving provisions relating to all Structure Plans in the area (with the

exception of policy 6 of the Somerset and Exmoor National Park Joint Structure Plan relating to Bristol/Bath Green Belt policy). These revocations have been taken into account in relation to the evidence presented and in the determination of the appeal.

### **Main Issues**

5. These are a) whether there is an essential need for an agricultural workers dwelling on the site to meet the needs of the proposed business and b) whether or not Wagg Drove, by reason of its restricted width and alignment, can serve as a suitable means of access to the site for the type of traffic likely to be generated by the use.

### **Reasons**

#### *Essential need*

6. In their Statement the Council reaffirm their position when the application was determined that there was insufficient information to support the claim there is an essential functional need for an agricultural dwelling on the site, and that the business had been planned on a sound financial basis. However, they also accepted, with some equivocation in their Statement, and unambiguously at the Hearing, that the appellant had submitted a significantly more detailed justification on both counts, and that the case had now been made for the temporary dwelling.
7. This information included an independent business appraisal of the business plan for the enterprise, prepared by the Laurence Gould Partnership. This appraisal confirms the site will be connected to the mains electricity network and that additional grazing land, to be managed as part of the holding, will be leased by the appellant. It also confirms, significantly, that a loan of £10,000 had been agreed for the appellant, subject to planning permission, from the Frederickson Foundation, a charitable organisation and company limited by guarantee offering business loans to those unable to source finance through mainstream banks. This offer has subsequently been confirmed separately by the Foundation in writing.
8. Having studied this additional information, especially the business appraisal, heard the oral evidence of the appellant at the Hearing, and looked at the evolving enterprise on the site, I agree with the Council that the sum of evidence provided does indeed now successfully establish an essential functional need for a dwelling on the site, and that the business has not only been planned on a sound financial basis, but has a very reasonable prospect of growing in the future.
9. On this basis, I consider the proposals accord with the expectations of paragraph 55 of The National Planning Policy Framework (henceforth referred to as *The Framework*), first bullet point, and with saved policy HG15 of the South Somerset Local Plan (SSLP). In accordance with established expectations in these circumstances, a condition is attached to the planning permission limiting the consent to three years, reflecting the conclusions set out above.

*Suitability of Wagg Drove for assess to the proposed use*

10. Wagg Drove is a narrow and sinuous lane linking the B3152 to the north and the A372 to the south, both reasonably busy classified roads. The lane is essentially rural in character with some residential plots at its southern end with more dispersed dwellings and farm holding further to the north; it is bisected by a bridge carrying the Great Western main line near mid-way along its length.
11. The highway authority is right in my view that the proposed use would result in an increase in vehicular activity along the lane. They are also legitimate in expressing concern in relation to the use of the Wagg Drove/ B3152 junction, where there have been a number of accidents recorded in its vicinity. However, the activities to which these concerns relate are the poultry processing enterprise, rather than the greater agricultural holding and its now accepted essential worker accommodation. Indeed, the highway authority accepts this point, conceding they do not usually comment on agricultural dwellings. Certainly the presence of a substantial new agricultural holding and dwelling to the north along Wagg Drove appears to affirm that the significant level of vehicular activity associated with this holding has not caused concern sufficient to prevent the grant of planning permission in that case.
12. The poultry processing will necessitate additional trips to farmers markets and local enterprises, and would be generally undertaken by van or 4X4 vehicle and trailer. This would represent an increase of activity along the lane but would be generally confined to specified delivery or marketing days rather than a generalised increase in trips across the week. Moreover, in relative terms, the increase in trips would not be so great, in my view, so as to significantly increase the risk to highway users or those using the site. The junction with the B3152 does necessitate care, especially when turning to the right. However, this is but one of the options for accessing and leaving the site and the southern exit, being the closer, is perhaps more likely to be preferred. Although the lane is single track, I noted a significant number of passing places along its length and again, given the generally very low volume of traffic on the lane, the increase in the number of trips will not result in any significant disruption to the free flow of traffic using it. For these reasons therefore I see no conflict with policy ST5 of the SSLP, nor the national policy expectations of The Framework.

**Other matters**

13. The Council have expressed concern at the absence of a section 106 agreement assuring the clearance of the site in accordance with the terms of the extant enforcement notice in the event that the business fails after the three year period. The foundation of this concern being that without such an assurance, with the grant of planning permission for Barn 1, and the subsequent failure of the business after three year, the unit would then become redundant. This may then in turn potentially facilitate an application to convert the building to residential use, thus circumventing the Council's rigorous approach to controlling residential development other than that required for agriculture in the countryside. Given the planning history of the site, I can understand the Council's concerns in this regard. However, No such 106 agreement is before me, I do not consider there is an appropriate mechanism for securing it in relation to this case, and there is no substantive basis for dismissing the proposals in its absence. Moreover, the relevant policies of the local

development plan should furnish a robust bulwark against inappropriate residential development in the countryside. Any such proposals, should they come to pass, will need to be assessed on their own merits and against those hopefully robust policies. I am confident that such a mechanism is sufficient to ensure any such proposals are rigorously assessed, thus obviating the need for the section 106 agreement favoured by the Council.

### **Conditions**

14. The appeal being allowed, conditions are attached requiring that the first part of the drive is appropriately surfaced, that details are submitted facilitating the disposal of surface water on the site avoiding the highway and that the designated parking area is kept clear and retained for that purpose, all in the interests of highway safety.
15. Conditions are also attached requiring that the development be commenced within one year of the date of the decision as this accords with the business plan submitted with the appeal and ensures prompt implementation of the proposals; a condition is also attached requiring the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of sound planning.
16. Conditions are also attached requiring that the occupation of the temporary dwelling be restricted to a worker employed in agriculture or their dependents as the site is in an area where policy seeks to restrict residential development to that required to meet the needs of agriculture and rural enterprises. A condition is also attached securing the removal of the temporary dwelling after a period of three years, to ensure the proposal meets the functional and financial tests set out in local development plan policy.
17. A condition is attached requiring the submission of surface water drainage management scheme, to overt any increased risk of flooding and to improve and protect local water quality. Conditions are also attached requiring the submission of an acoustic report in respect of electricity generators on the site associated with the use and restricting waste collection and deliveries to the site to specified periods, both in the interests of the living conditions of adjacent occupiers.
18. A condition is attached requiring the submission of a landscape scheme for the site and its future management in order that there is a satisfactory appearance to the development in its landscape context and finally a last condition is attached specifically restricting the use of Barn 1 to that of the processing of poultry and associated activities, to expressly determine the scope of the proposed use of this building.
19. For the reasons given above and having considered all matters raised in evidence and at the Hearing. I conclude that the appeal should be allowed.

*David Morgan*

**Inspector**

## **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than one year from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Plans, elevations and site Sections received 07 November 2012.
- 3) The access over the first 10m of its length shall be resurfaced, properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing prior to any works commencing by the Local Planning Authority, and thereafter maintained.
- 4) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained, prior to installation.
- 5) The area allocated for access/parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for access and parking of vehicles in connection with the development hereby permitted.
- 6) The occupation of the mobile homes shall be limited to a person solely or mainly employed in agriculture at the property known as Wagg Meadow Farm, as defined in Section 336(1) of the Town and Country Planning Act, 1990, or in forestry or a dependent of such a person residing with him or her or a widow or widower of such a person.
- 7) The caravans hereby permitted shall be removed and the land restored to its former condition within three years of the date of this permission.
- 8) No development shall commence until a surface water drainage scheme for the hard surface sections of the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
- 9) Prior to the use of any generators or fixed plant on site in connection with the use hereby permitted, an acoustic report shall be submitted to and approved in writing by the local planning authority establishing permitted acceptable noise levels on the boundary of the site. Such equipment will only be used within the parameters laid out in the approved acoustic report.
- 10) Waste collection and any deliveries or dispatches to or from the site shall be limited to the hours of 8.00 am to 5.30 pm Monday to Friday and 9.00am to 2.00 pm Saturday. There shall be no waste collections, deliveries or dispatches from the site on a Sunday or Bank holidays.
- 11) 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, as defined by the red line on the submitted plan, 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 scheme of landscaping shall include details of the retention and rotational management of the existing woody vegetation.

- 12) The building labelled 'Barn One' on the submitted plan titled 'Block Plan – Proposed' hereby approved shall be used for the processing of poultry and associated activities and for no other purpose (including any other purpose in Class 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).

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Simon Davis (Appellant)                      Wagg Meadow Farm

Ms Cora Edwards                                      Wagg Meadow Farm

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Dominic Heath-Coleman                      South Somerset District Council

Mr Adrian Noon                                      South Somerset District Council

Mr Carl Brinkman                                  Somerset County Council

## **Documents presented at the Hearing**

1. Council notification letter of Hearing event.

Area North Committee – 28 August 2013

## 10. Planning Applications

**The schedule of planning applications is attached.**

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 1998 Issues

The determination of the applications which are the subject of reports in this plans list are considered to involve the following human rights issues: -

1. Articles 8: Right to respect for private and family life.
  - i) Everyone has the right to respect for his/her private and family life, his/her home and his/her correspondence.
  - ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.
2. The First Protocol

*Every natural or legal person is entitled to the peaceful enjoyment of his/her possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.*

*Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.*

*David Norris, Development Manager  
david.norris@southsomerset.gov.uk or (01935) 462382*

**Background Papers:** *Individual planning application files referred to in this document are held in the Planning Department, Brympton Way, Yeovil, BA20 2HT*



## Planning Applications – 28 August 2013

### Planning Applications will be considered no earlier than 4.00 pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 3.50 pm.

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the 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 Regulation Committee even if it has not been two starred on the Agenda.

Item	Page	Ward	Application	Proposal	Address	Applicant
1	21	SOUTH PETHERTON	13/02095/ FUL	Demolition of redundant farm buildings, change of use and erection of dwelling.	Buildings adjacent to Hillside Farm, Shells lane, Shepton Beauchamp.	Mr & Mrs Humphreys
2	27	MARTOCK	13/02470/ S73	Section 73 application to amend condition 2 (approved plans – to amend position of parlour building) and to discharge conditions 3, 7, 8, 9, 10 and 13 on planning approval 12/04945/FUL (GR: 347616/121354)	Land At Lower Witcombe Farm Thornhill Drove Ash, Martock.	Mr Matthew Cobden
3	40	CURRY RIVEL	13/00557/ DPO	Application to discharge requirement of strategic sports contribution relating to planning approval 09/00023/FUL.	Land rear of Westfield House, Westfield Curry Rivel.	Yarlington Housing Group
4	44	ISLEMOOR	13/01718/ DPO	Application to discharge strategic community facilities contribution.	Land at Copse Lane, Ilton.	Yarlington Housing Group
5	48	LANGPORT & HUISH	13/00551/ DPO	Application to discharge requirement of strategic sports contribution relating to planning approval 09/02237/FUL.	Land at Eastover, Langport.	Yarlington Housing Group

6	52	SOUTH PETHERTON	13/00592/ DPO	Application to remove the requirement to pay the strategic leisure contribution relating to planning approval 07/01252/FUL.	Land at West End Close, West End View, South Petherton.	Yarlington Housing Group
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Area North Committee – 28 August 2013

**Officer Report On Planning Application: 13/02095/FUL**

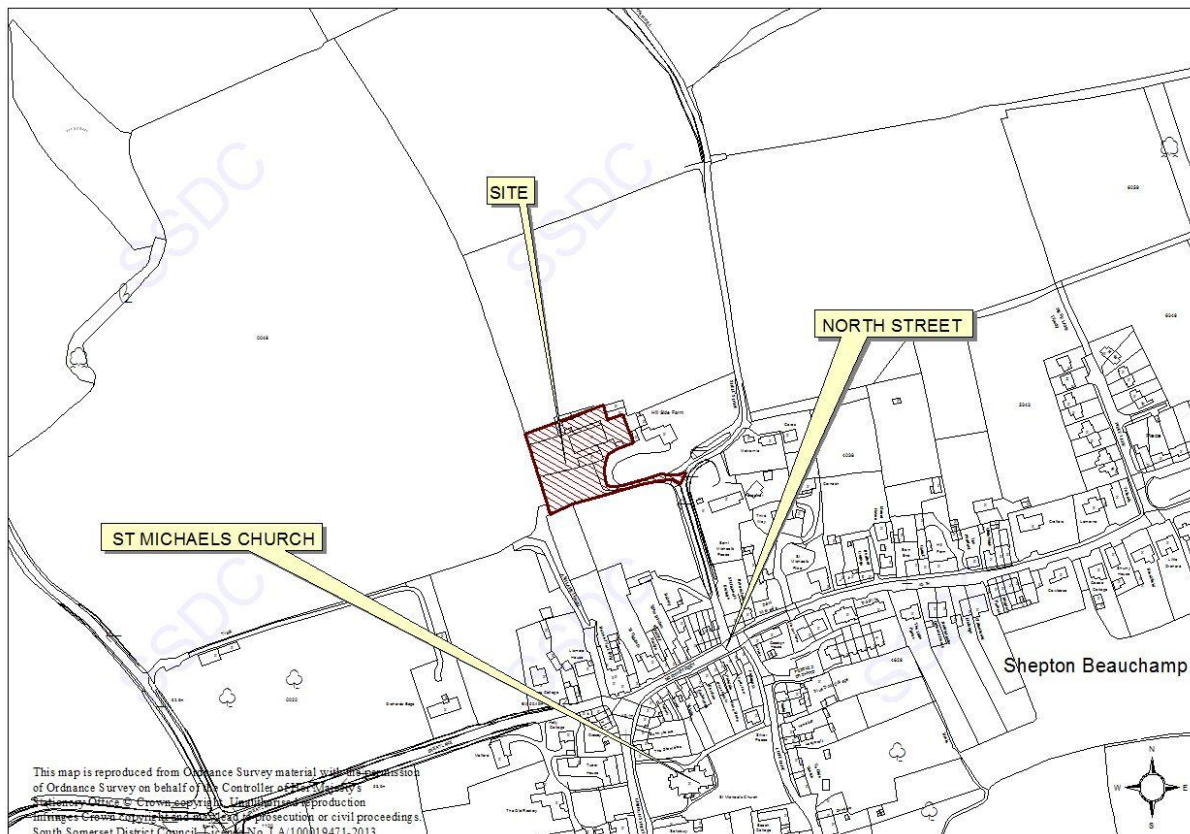
<b>Proposal :</b>	Demolition of redundant farm buildings, change of use and erection of dwelling. ( GR 340277/117408 )
<b>Site Address:</b>	Buildings Adjacent To Hillside Farm, Shells Lane, Shepton Beauchamp/
<b>Parish:</b>	Shepton Beauchamp
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr P A Thompson Cllr B R Walker
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	26th July 2013
<b>Applicant :</b>	Mr and Mrs A and S Humphreys
<b>Agent: (no agent if blank)</b>	Mr M Rowlinson, Architect, Upalong, 83 Sidford Road, Sidmouth, Devon EXx10 9NJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

This application is referred to Committee as a policy departure in accordance with the Council's scheme of delegation.

**SITE DESCRIPTION AND PROPOSAL**





The application site is located in the countryside beyond development limits, and forms part of an agricultural yard area with redundant farm buildings to be demolished that are adjacent to Hillside Farmhouse that is under separate ownership. The site is a little to the north of development limits with field/ paddock(s) between. The site is accessed from the sunken lane (Shell Lane) with an incline up to the site, and is otherwise well screened, but for the public footpath that crosses the site to join with a second that runs along the western boundary. Hillside Farmhouse is the only other dwelling to which the proposal would clearly relate.

The proposal seeks a change of use and the erection of a dwelling with Hamstone elevations under a hipped slate roof. The dwelling is shown to have a ridge height of 8.7m and eaves at 5.2m above ground level. The width of the two storey front elevation is 19.5m and an overall depth of 19.5m that includes the single storey rear wing.

The application is supported by a Design and Access Statement, and Protected Species Survey.

## HISTORY

770167 - Erection of tantalised timber framed building. Permitted Development.

## 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.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

Policy ST3 Development Area  
 Policy EC3 Landscape Character  
 Policy ST5 - General Principles of Development  
 Policy ST6 - The Quality of Development

Regard shall also be had to:

National Planning Policy Framework (March 2012):  
 Chapter 1 - Building a strong competitive economy  
 Chapter 4 - Promoting sustainable transport  
 Chapter 6 - Delivering a wide choice of high quality homes  
 Chapter 7 - Requiring Good Design  
 Chapter 11 - Environment

South Somerset Sustainable Community Strategy  
 Goal 8 - High Quality Homes  
 Goal 9 - A Balanced housing Market

Other Relevant Documents  
 Somerset County Council Parking Standards

## CONSULTATIONS

**Shepton Beauchamp Parish Council** - Support.

**County Highway Authority** - General comments made including: visibility is satisfactory in terms of visibility for vehicles emerging to see approaching traffic, while forward visibility is restricted for vehicles turning right into the site, and reference made to parking and turning details.

**Landscape Architect** - I note (1) the presence of aggregated of farm buildings on the site, which will be removed (2) the adjacent house at a comparable elevation, (3) sufficient separation from the conservation area to avoid undue impact upon it, and (4) a local characteristic of dwellings served by rising west off the main street. This context suggests that the proposal will not unduly impact upon the wider landscape, hence I have no substantive issues to raise. If minded to approved please condition a landscape proposal.

**Tree Officer** - I have no objection. The young Beech within the hedgerow boundary to the South are unlikely to be allowed to achieve their full growth potential should a consent for a dwelling be granted. I note that the Landscape Architect has requested a scheme of landscaping, which could address the tree cover situation appropriately.

**Economic Development** - Evidence has been submitted with this application that has informed the buildings are no longer suitable, not required for the purposes they were originally erected. The site is particularly difficult to access due to the narrow lane and vehicles parked on the main street in Shepton Beauchamp. It would be my opinion that the access, quality of buildings and absence of demand for commercial premises is such that this application raises no economic development concerns.

**Area Engineer** - in response to the amended drawing showing the pond arrangement considers the details acceptable.

**Wessex Water** - offers general comments.

**County Rights Of Way** - General comments made.

**Ecologist** - is satisfied with the protected species survey report, subject to condition/informative for swallows.

**County Archaeology** - No objections.

## REPRESENTATIONS

There has been one neighbour objection received:

- The size of the property,
- It not particularly being in keeping with other properties in Shells Lane
- Ridge height should not exceed that of Hillside Farm to reduce impact on the neighbourhood
- The existing water supply is not considered adequate
- Presence of badgers to be safeguarded.

## CONSIDERATIONS

### The Principle of Development

Shepton Beauchamp (ST2) offers a range of local facilities supportive of sustainable development, notwithstanding that the site is beyond development limits. The site is accessed through the village and narrow lane that approaches the site so that any intensification that results from an alternative commercial use is considered to have a detrimental impact on the local environment. Paragraph 55 of the NPPF is supportive so far as the uniqueness of this particular site with its poor access, and particular relationship with the adjacent built form makes the site less satisfactory in supporting an industrial use. It is the specific local circumstances that attract the support of paragraph 55 in that the development would re-use redundant land, tidying the site while not resulting in a new isolated home in the countryside. The Economic Development Officer suggests that given the access, the quality of the buildings and an absence of demand for commercial premises in this location the loss of the site does not raise economic development concerns. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

### Character and Appearance:

The Landscape Architect notes the removal of the agricultural structures on site to be replaced by a single dwelling that would be located so as not disturb the wider landscape. The site is considered sufficiently removed not to affect the conservation area setting. The only other dwelling in Shells Lane that is readily seen is Hillside Farm, a typical 1950s chalet type property. The proposed building is of typical height, while the width and depth indicates a larger property; its mass needs be contrasted with the range of farm buildings that are to be removed. The proposed dwelling would be seen to stand within its own grounds sufficiently removed from Hillside, while still part of the local characteristic of dwellings served by Shells Lane.

**Highways:**

The proposal utilises an existing access from Shells Lane, which is an unclassified highway. Visibility is satisfactory in terms of visibility for vehicles emerging to see approaching traffic. However, forward visibility is restricted for vehicles turning right into the site, as a result of alignment of the highway at this point, although it is considered that from this direction there would be few such movements. Shells Lane is a no through road. Overall the proposed residential use should be contrasted with the potential agricultural movements or alternative business use that would be greater. The area to the front of the proposed dwelling is substantial and can provide for the required parking and turning.

**Neighbour Amenity:**

The proposal does not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

**Other Matters:**

The neighbour objections are considered as part of the relevant subheadings of this report. Wessex Water in making their general comments have not sought to resist development. Likewise, the presence of badgers is noted in the submitted survey. The Council's Ecologist has not suggested further actions to be required.

**RECOMMENDATION:**

Approve.

01. The proposal, by reason of its size, design, materials and location, following clearance of the range of agricultural buildings and use, represents an appropriate development which is carefully designed to respect the character of the area, causes no demonstrable harm to residential amenity; is considered to have a positive impact on the local highway system by removing and reducing potential traffic difficulties, and re-uses redundant land while not resulting in an isolated home in the countryside thereby complying with paragraph 55 of the National Planning Policy Framework and policies ST2 and ST6 of the South Somerset Local Plan.

**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. The development hereby permitted shall be carried out in accordance with the following approved plans: Hum01, 02, 03, 04, 05, 06, 07, 08, 09 received 10 June 2013, 11 received 21 June 2013, and Attenuation Sketch Proposal received 19 June 2013.

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

03. 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 scheme of landscaping shall include additional planting, notating species type; plant size, and where necessary, means of protection (from rabbits/ stock).

Reason: In the interests of visual and landscape character further to policies EC3 and ST5 of the South Somerset Local Plan.

04. No development hereby approved shall be carried out until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:-
- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
  - b. details of the rainwater goods and eaves and fascia details and treatment.
  - c. full particulars of window and doors
  - d. details of recess for windows and doors
  - e. detail of the finished floor level in relation to the natural ground levels
  - f. details of nesting provision for swallows
- Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policy ST6 of the South Somerset Local Plan.

05. All existing buildings and structures on the site outlined in red shall be demolished and all resulting materials completely removed from the site before the dwelling is first occupied.

Reason: In order to secure an orderly development in the interests of visual amenity further to policy ST6 of the South Somerset Local Plan.

#### **Informatives:**

01. There is evidence that swallows nest in the redundant farm buildings due to be demolished. Whilst they are building or using a nest, swallows are legally protected by the Wildlife and Countryside Act 1981 which makes it an offence to destroy the nest or nesting site. Demolition should be timed to avoid the nesting season, or the building should be made inaccessible to swallows prior to the start of the nesting season.



Area North Committee – 28 August 2013

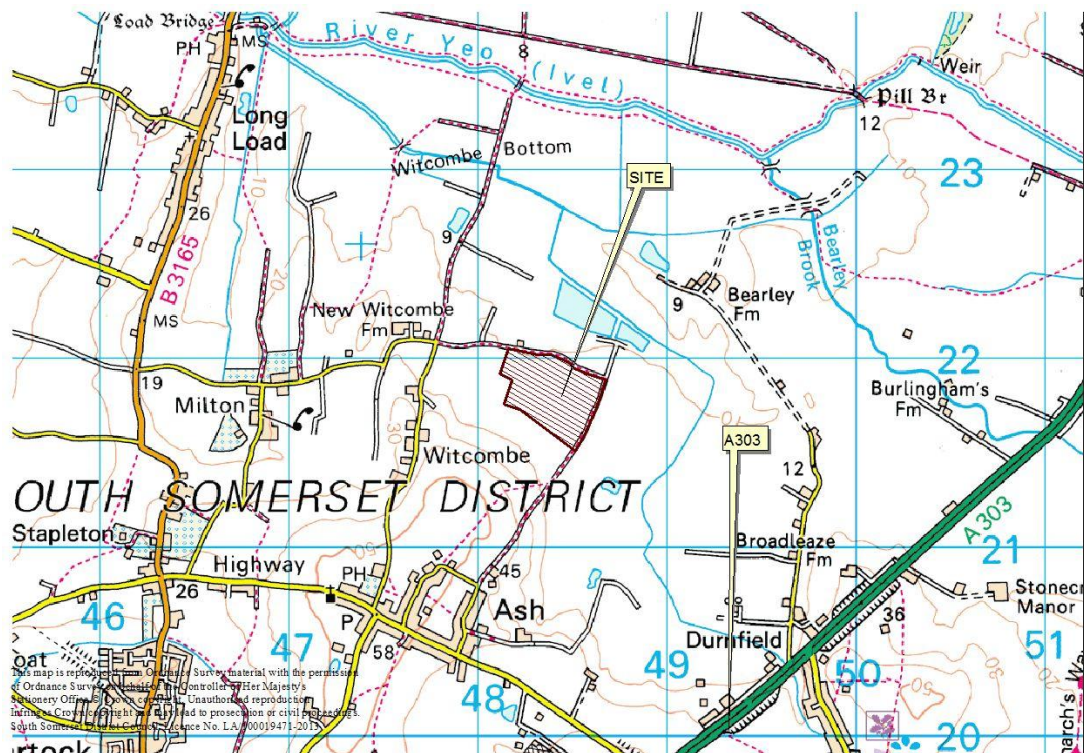
**Officer Report On Planning Application: 13/02470/S73**

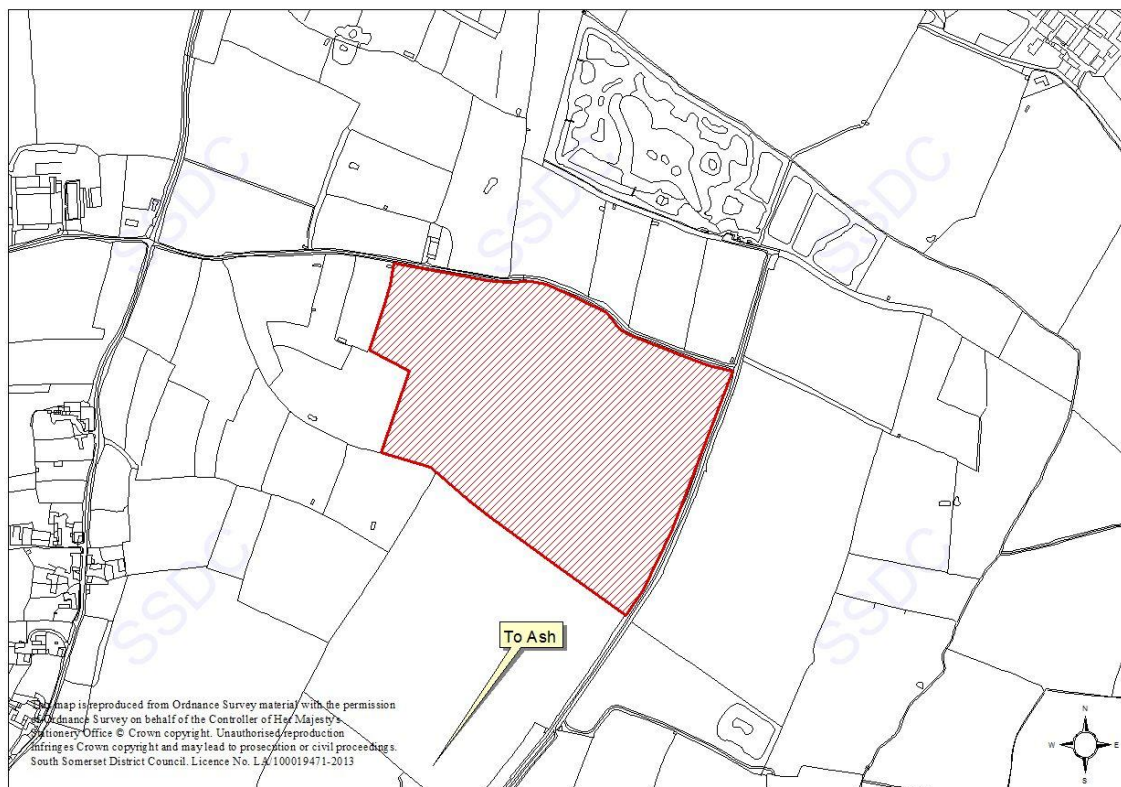
<b>Proposal :</b>	Section 73 application to amend condition 2 (approved plans – to amend position of parlour building) and to discharge conditions 3, 7, 8, 9, 10 and 13 on planning approval 12/04945/FUL (GR: 347616/121354)
<b>Site Address:</b>	Land At Lower Witcombe Farm Thornhill Drove Ash, Martock
<b>Parish:</b>	Ash
<b>MARTOCK Ward (SSDC Member)</b>	Cllr Graham Middleton Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	17 September 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 amend planning permission 12/04945/FUL, which granted permission for a new dairy unit to be erected on land at New Witcombe Farm. The current application is seeking to re-orientate the milking parlour building so that it is at right angles rather than running parallel to the main cubicle building. The reasons for this amendment is due to animal movements from the cubicle building to the parlour, to improve their welfare, and to reduce the amount of open yard that the cows will need to cover and in turn to reduce the potential for dirty water runoff and contamination.

This application relates to the erection of 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 wildlife site to the north is also used as a commercial fishery.

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

12/04945/FUL: Creation of a new dairy farm. Permitted.

Planning history in respect of 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 South Somerset Local Plan. The policies of most relevance to the proposal are:

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.

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

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

**Area Engineer:** No comment.

**Health and Safety Executive:** They do not advise, on safety grounds, against the granting of planning permission.

**County Highways:** No observations

**National Grid:** Have raised a holding objection.

**Wessex Water:** (Comments from previous application) 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 amended position of the parlour building.

Condition 7 (Construction Environment Management Plan) – The CEMP produced is very generalised and does not offer sufficient detail to recommend discharge of this condition.

Condition 8 (Scheme for Contamination and Clean Surface Water Runoff) – Whilst we are satisfied with the floor risk element of this condition we request further information relating to pollution.

**Environmental Protection Unit:** (Comments from previous application) 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:** (Comments from previous application) 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 surveys and method statements in respect of badgers and great crested newts and recommend the relevant conditions can be discharged.

**Landscape Officer:** The main change to the proposed dairy unit, intends a reorientation of the parlour building, to run at right angles to the main cubicle building. I have previously considered the overall impact in my detailed consultation response of 29/01 which concluded there would be no undue impact upon settlement or listed building settings, nor that the visual impact upon local receptors are significantly adverse once landscape mitigation measures are put in place. I do not see this proposal as changing that judgement, and note that a revised landscape plan is offered to provide impact mitigation. Consequently, if you are minded to approve the application, could you please condition that planting be undertaken in the first dormant season following completion of the ground formation works, all in accord with submitted plan 495/01 P3.

**County Rights of Way:** (Comments from previous application) 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:** (Comments from previous application) 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:** (Comments from previous application) Agrees with the views of the landscape officer.

**County Archaeologist:** (Comments from previous application) 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 the owner of Ashmead Fishing Lake which is located a short distance to the north of the site, expressing the following observations and concerns:

- The development will damage the enjoyment of our property and the recreational amenity it provides to anglers who fish there and my family.
- The impact of chronic water pollution and risk of catastrophic failure of the slurry and dirty water management systems on the site, as well as noise, light and odour pollution will be hugely damaging to my interests and to the ecology and amenity value of Ashmead.
- Even chronic, low level nutrient enrichment resulting from the development has the potential to destroy the fishery as a result of eutrophication and a related oxygen crash which could kill fish stock.
- The Parrett Catchment is already failing to meet the requirements of the Water Framework Directive, primarily because of agricultural nutrient enrichment. The intensive nature of the proposed development is counter to obligations under the Water Framework Directive to ensure the catchment meets its target quality.
- SSDC failed in its duty to consult appropriately on the application and their duty of care by failing to consult myself, an important neighbouring landowner.
- The biodiversity and environmental impact reports posted on your website are so inaccurate and scant in the information they contain that they are misleading. Ashmead and the area surrounding our wetland has resident otter and innumerable species of birds.
- The description of the proposal is obscure and it is difficult to link this amendment to the original application.
- The relocation of the parlour moves the built structure closer to my property, increasing unacceptably the visual, noise, smell and light impacts from this element of the proposal to my property. The parlour will be operations at times throughout a 24 hour period and any increase in cow numbers will exacerbate the unacceptable disturbance this will cause.
- The new dairy unit is designed for a capacity of 3000 cows. The proposal should be limited in scale and design for 800 cows as described.
- The new location of the parlour creates a physical block to surface water movements across the site in the direction of the overall catchment drainage (east to west). This makes pollution of my wetland more likely.
- The location of the new parlour, if approved, would require additional planning conditions to be applied to mitigate the impact and risk to my property and business including
  - screening of the dairy site from Ashmead through landscaping (earth bunds and planting) to reduce noise, visual presence, smells and light impacts.
  - Limiting the size and design of the parlour to accommodate the stated 800 cows.
  - Blocking of all the drainage ditches crossing the fields between the site

and Ashmead and the return of the fields between to permanent pasture to create a buffer against catastrophic pollution risk to Ashmead.

- One of the reasons for relocating the parlour building is to accommodate and facilitate the construction of an anaerobic digester on site. This has not been approved and it is therefore inappropriate to relocate the proposed parlour building on this basis.
- Condition 3 – I have not been consulted on the proposed construction materials.
- Condition 7 – It is unacceptable that I have not been informed on the detail of the Construction Environmental Management Plan (CEMP) or had the opportunity to comment on it.
- Condition 8 - It is unacceptable that I have not been informed on the submitted details for this condition or had the opportunity to comment on it.
- I have particular concerns relating to the structures for the storage and management of slurry, waste water, silage including their design and siting.
- A planning condition should be imposed limiting the future management of the site to 800 cows.

## CONSIDERATIONS

This application is seeking a minor amendment to planning consent 12/04945/FUL, which granted permission to erect a new dairy unit on land associated with New Witcombe Farm. The proposed amendments relate to the re-orientation of the milking parlour building so that it is at right angles rather than running parallel to the main cubicle building. The reasons for this amendment is to improve animal movements from the cubicle building to the parlour in the interests of animal welfare, and to reduce the amount of open yard that the cows will need to cover and in turn to reduce the potential for dirty water runoff and contamination. This application is also seeking to discharge conditions 3 (construction materials), 7 (Construction Environmental Management Plan), 8 (Contaminated and Clean Surface Water Run-off scheme), 9 (survey and impact assessment for great crested newts), 10 (survey of badgers) and 13 (hedge protection scheme).

### Principle

Under this revised scheme, the scale and nature of the proposed development remains unaltered from that approved under extant permission 12/04945/FUL, as such the principle of the proposed development has already been established.

### Visual amenity and landscape impact

The overall impact of this new farm development was previously considered under the original application which concluded that there would be no undue impact upon settlement or listed building settings, nor that the visual impact upon local receptors are significantly adverse once landscape mitigation measures are put in place. The amended position for the parlour building is not considered to alter this view and the revised landscaping plan provided with the current application has been accepted by the Council's Landscape Officer as suitable mitigation.

**Discharge of conditions 3 (construction materials), 7 (Construction Environmental Management Plan), 8 (Contaminated and Clean Surface Water Run-off scheme), 9 (survey and impact assessment for great crested newts), 10 (survey of badgers) and 13 (hedge protection scheme)**

Condition 3 (construction materials) - The proposed construction materials relating to the new buildings to include anthracite roof sheeting, timber boarding and concrete panelling for the parlour, cubicle, straw and general purpose storage buildings and anthracite roof sheeting and olive green boxed profile metal sheeting for the straight store are considered to be suitable low key. The submitted details relating to this condition can therefore be accepted.

Condition 7 (Construction Environmental Management Plan) – This condition was sought by the Environment Agency in the interests of the environment. The details submitted to date in respect of this condition unfortunately have not met with the Environment Agency's approval and as such cannot be accepted to discharge this condition.

Condition 8 (scheme for contaminated and clean water run-off) - This condition was sought by the Environment Agency in the interests of the environment. The details submitted to date in respect of this condition unfortunately have not met with the Environment Agency's approval and as such cannot be accepted to discharge this condition.

Conditions 9 and 10 (survey and impact assessments relating to great crested newts and badgers) – The Council's Ecologist is satisfied with the details submitted with regard to these conditions, it is therefore recommended that these conditions be revised in relation to these submitted details.

Condition 13 (hedge protection scheme) – The proposed protective fencing detailed on the revised landscaping plan (drawing number 495/03 P1) are considered to be satisfactory for the protection of the hedgerows bounding the site.

#### **National Grid Comments:**

Whilst they have put in a holding objection it is noted that previously they raised no objection. The redline of the site remains identical to that previously approved although it is accepted that the repositioned parlour building is now slightly closer to the north boundary of the site and therefore the nearby gas pipeline. There are three 'safety' zones within the pipeline consultation area, the northern part of the site falls within the outer two less sensitive zones. The parlour building as approved and as now proposed sits within the middle zone. The National Grid have been asked to clarify why they now may have a concern and their response will be reported to committee verbally.

#### **Other matters:**

The owner of Ashmead Fishery, a commercial coarse fishery, located approximately 170m to the north of the application site has objected to the application for a number of reasons, including:

- *The description of the application was obscure and difficult to link to the original application.* The description included the reference of the original application and it is not accepted that the description was obscure.
- *Lack of consultation.* Consultation in regard to this application was over and above statutory requirements and the requirements set out within SSDC's local consultation procedures and included an advertisement in a local paper and the erection of three site notices (one at either end of the drove and one by the access to the application field itself) as well as a number of local residents.
- *Loss of amenity both for his family and anglers using Ashmead Lake resulting from visual impact, noise, odours and light pollution.* Whilst there may be some disruption the amenity of users of the fishing lake as a result of noise, activity,



smells and light resulting from the new farm unit, such amenity is not the same as that of protected buildings (such as a residential dwelling) and it is not considered that the proposal will result in any demonstrable harm to this local business.

- *The revised position of the parlour building will accentuate these problems further as it will be brought closer to Ashmead Lake.* It is accepted that the re-orientation of the parlour building will bring this building slightly closer to Ashmead Lake, however, its amended position is not considered to significantly affect how the new farm unit will be viewed from the surrounding area and its overall impact upon the wider landscape.
- *Pollution resulting from the failure of the slurry and dirty water management systems which could be catastrophic for the wildlife and fish at Ashmead Lake.* The issue of slurry and dirty water storage and drainage was dealt with in detail during the original application and conditions relating to these matters as well as the construction of the slurry and dirty water storage lagoons etc are the subject of condition 7 and 8 and the rigorous scrutiny of the Environment Agency to ensure that their capacity, design and management meet their standards and should not result in any significant pollution risks.
- *Inaccuracies of details relating to biodiversity and environmental impact.* An ecology report accompanied the original application and an Environmental Impact Assessment (EIA) Screening Opinion was carried out in respect of this development. Neither the Council's Ecologist or Natural England raised any substantive concerns in respect of the proposal.
- *Seek a condition restricting the number of cows to be kept on site to a maximum of 800.* The scope and scale of this development has already been established through the original application, in any case such a condition would not be reasonable or very easy to enforceable.
- *The proposal mentions an anaerobic digester.* This application is not seeking permission for an anaerobic digester and as such this matter has no bearing on the current application.
- *It is unacceptable not to have been consulted on the details of the drainage scheme and CEMP.* Details relating to these conditions (7 and 8) have been available to view during the course of this application.

## Conclusion

The repositioning of the parlour building is considered to be acceptable visually and, with the exception of the holding objection raised by the National Grid, is not considered to raise any new substantive concerns. With regard to the discharge of the various conditions, the details submitted in respect of conditions 3, 9 and 10 are considered to be acceptable, however, conditions 7 (CEMP) and 8 (contaminated and clean surface water run-off details) as yet are insufficient to meet the Environment Agency's requirements and cannot therefore be discharged at this time.

## RECOMMENDATION

Grant permission, subject to the National Grid dropping their holding objection:

### 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-F /01 received 18/06/2013;
- Landscape Sections – 495/02 P2 received 18/06/2013;
- 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;
- Parlour Building (Plans and Elevations) – 01920-03-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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those set out in the letter from ATSS Ltd dated 17/06/2013 unless otherwise agreed 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. Notwithstanding the submitted details, 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. Notwithstanding the submitted details, 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 only be carried out in full accordance with the recommendations set out within part 7 of the Great Crested Newt Impact Assessment and Method Statement report (by J Taylor Ecology Consulting) dated 03/06/2013, 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. The development hereby approved shall only be carried out in full accordance with the method statement set out within the Badger Field Survey and Method Statement (by J Taylor Ecology Consulting) dated 13/06/2013, unless otherwise agreed in writing by the local planning authority.

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 P31 received 18/06/2013 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 P3 and 495/02 P2 received 18/06/2013.

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 Hedge Protection details set out on drawing number 495/03 P1 received 18/06/2013 shall be fully implemented during the construction phase of the development, unless otherwise 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.

#### **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.
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Area North Committee – 28 August 2013

### Officer Report On Planning Application: 13/00557/DPO

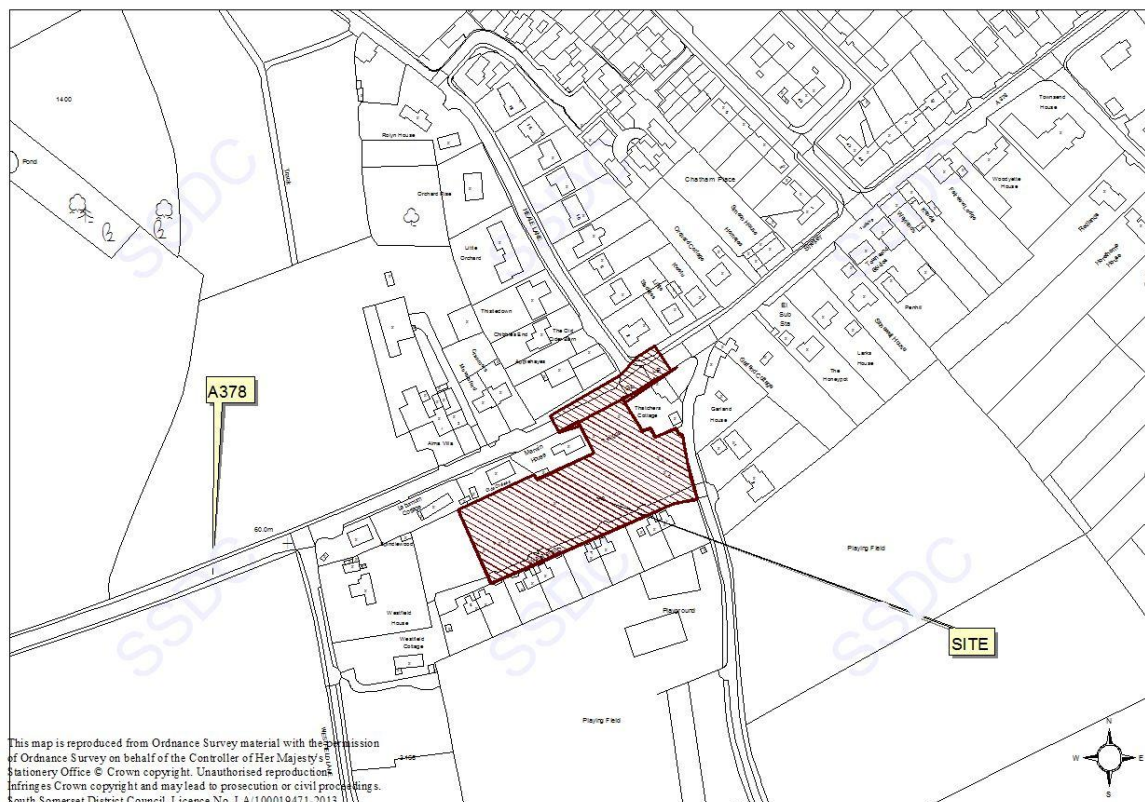
<b>Proposal :</b>	Application to discharge requirement of Strategic Sports contribution relating to planning approval 09/00023/FUL (GR 338356/124790)
<b>Site Address:</b>	Land Rear Of Westfield House, Westfield, Curry Rivel
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Cllr Terry Mounter
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	5th April 2013
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

Application to seek the discharge of a financial obligation within the S106 Agreement relating to Planning Approval 09/00023/FUL.

### SITE DESCRIPTION AND PROPOSAL





The application site is situated to the east of Holden's Way, Curry Rivel. The original application (09/00023/FUL) gained full planning permission for the demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping.

This DPO (Discharge of Planning Obligation) is made to vary the S106 planning obligation to discharge the requirement to pay specific elements of the Strategic Leisure Contributions relating to the planning approval (09/00023/FUL) on the grounds of financial viability. The ability of an applicant to make an application to vary a S106 was agreed by the District Executive in April 11.

All payments towards open space, equipped play, youth facilities and playing pitches for the local area have been made.

## HISTORY

(09/00023/FUL) Demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping.

## POLICY

ST10 of the South Somerset Local Plan (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and

appropriate phasing of development. Piecemeal development will not be permitted".  
Process for Developers to follow if they wish to vary/amend an S106 - District Executive  
April 11

## CONSULTATIONS

**Ward Member** - No comments received

**Parish Council** - Members noted the application, no further comments made.

**Area Development Manager (North)** - Verbal acceptance in line with the Council's policy.

**Community Health & Leisure Manager** - No objection to the application.

## REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

## CONSIDERATIONS

The application is made to vary the S106 agreement dated 9th November 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/00023/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of open space, playing pitch equipped play, youth and leisure facilities.

The scheme subsequently provided 100% affordable housing.

An open space contribution of £13,452 has been received by the developer.

A play equipment contribution of £16,188.01 has been received from the developer.

A youth facilities contribution of £5,526 has been received from the developer.

A playing pitch contribution of £17,042 has been received by the developer.

All contributions secured to serve the development at Curry Rivel.

The developer, as per South Somerset's approved process, has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£13,029) - towards sports halls, swimming pools and/or synthetic pitches in Yeovil. Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

The financial data submitted with this application has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.



The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

## **CONCLUSION**

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol that the scheme is unable to make the contributions towards Strategic Leisure Facilities.

## **RECOMMENDATION**

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 9th November 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
-

Area North Committee – 28 August 2013

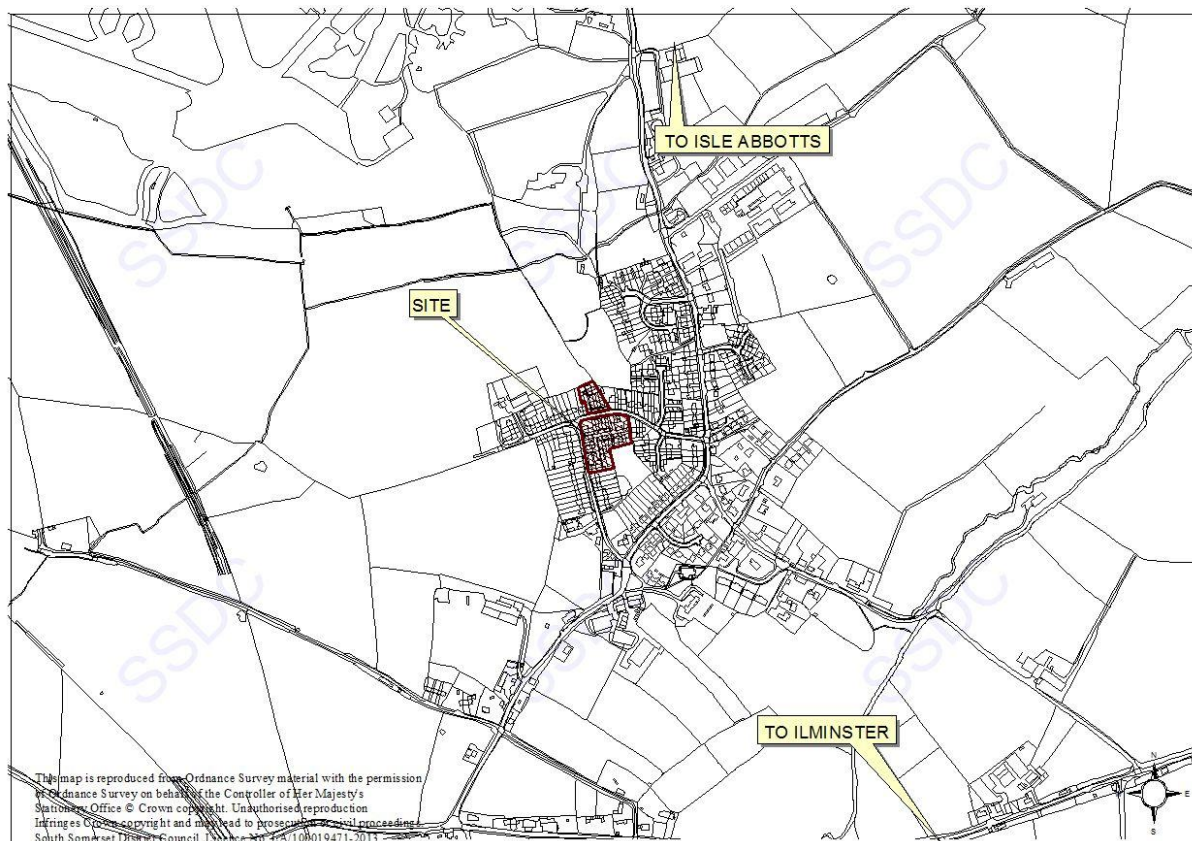
### Officer Report On Planning Application: 13/01718/DPO

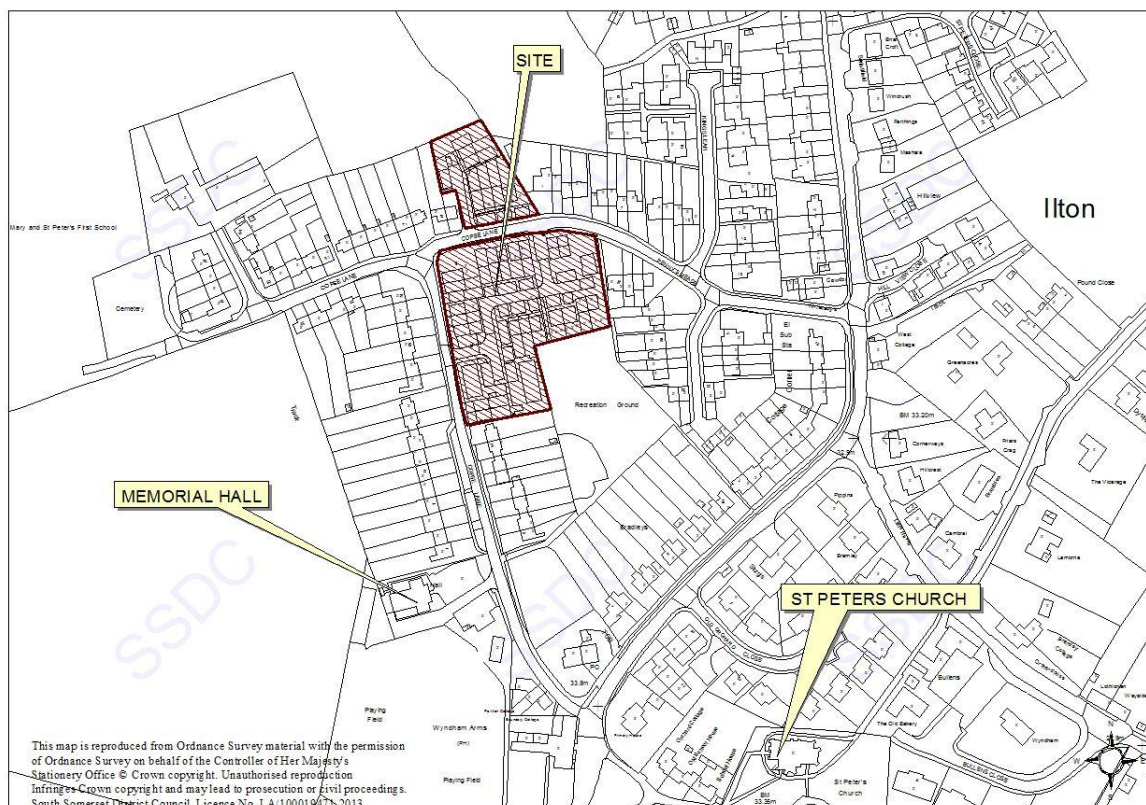
<b>Proposal :</b>	Application to discharge strategic community facilities contribution (GR335071/117656)
<b>Site Address:</b>	Land at Copse Lane, Ilton, Ilminster
<b>Parish:</b>	Ilton
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	25th June 2013
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

Application to seek the discharge of a financial obligation within the S106 Agreement relating to Planning Approval 08/05090/FUL.

### SITE DESCRIPTION AND PROPOSAL





The application site backs onto open countryside to the north and the recreation ground to the southeast. The original application (08/05090/FUL) gained full planning permission for the demolition of existing buildings and the construction of 40 dwellings.

This DPO (Discharge of Planning Obligation) is made to vary the S106 planning obligation to discharge the requirement to pay specific elements of the Strategic Leisure Contributions relating to the planning approval (08/05090/FUL) on the grounds of financial viability. The ability of an applicant to make an application to vary a S106 was agreed by the District Executive in April 11.

All payments towards off-site recreation, equipped play, youth facilities and playing pitches for the local area have been made.

## HISTORY

(08/05090/FUL) Demolition of existing buildings and the construction of 40 dwellings.

## POLICY

ST10 of the South Somerset Local Plan (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

Process for Developers to follow if they wish to vary/amend an S106 - District Executive April 11

## CONSULTATIONS

**Ward Member** - No comments received

**Parish Council** - Members noted the application, no further comments made.

**Area Development Manager (North)** - Verbal acceptance in line with the Council's policy.

**Community Health & Leisure Manager** - No objection to the application.

## REPRESENTATION

Due to the nature of the application no neighbouring properties were consulted.

## CONSIDERATIONS

The application is made to vary the S106 agreement dated 9th November 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (08/05090/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of off-site recreation, playing pitch equipped play and leisure facilities.

The scheme subsequently provided 100% affordable housing.

An off-site recreation contribution of £30,900 has been received by the developer.

A play equipment contribution of £22,251 has been received from the developer.

A playing pitch contribution of £34,842 has been received by the developer.

A youth facilities contribution of £10,108 has been made by the developer.

All contributions secured to serve the development at Ilton.

The developer, as per South Somerset's approved process, has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£34,939) - towards sports halls, swimming pools and/or synthetic pitches in Yeovil. Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

The financial data submitted with this application has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

**CONCLUSION**

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol that the scheme is unable to make the contributions towards Strategic Leisure Facilities.

**RECOMMENDATION**

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 9th November 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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Area North Committee – 28 August 2013

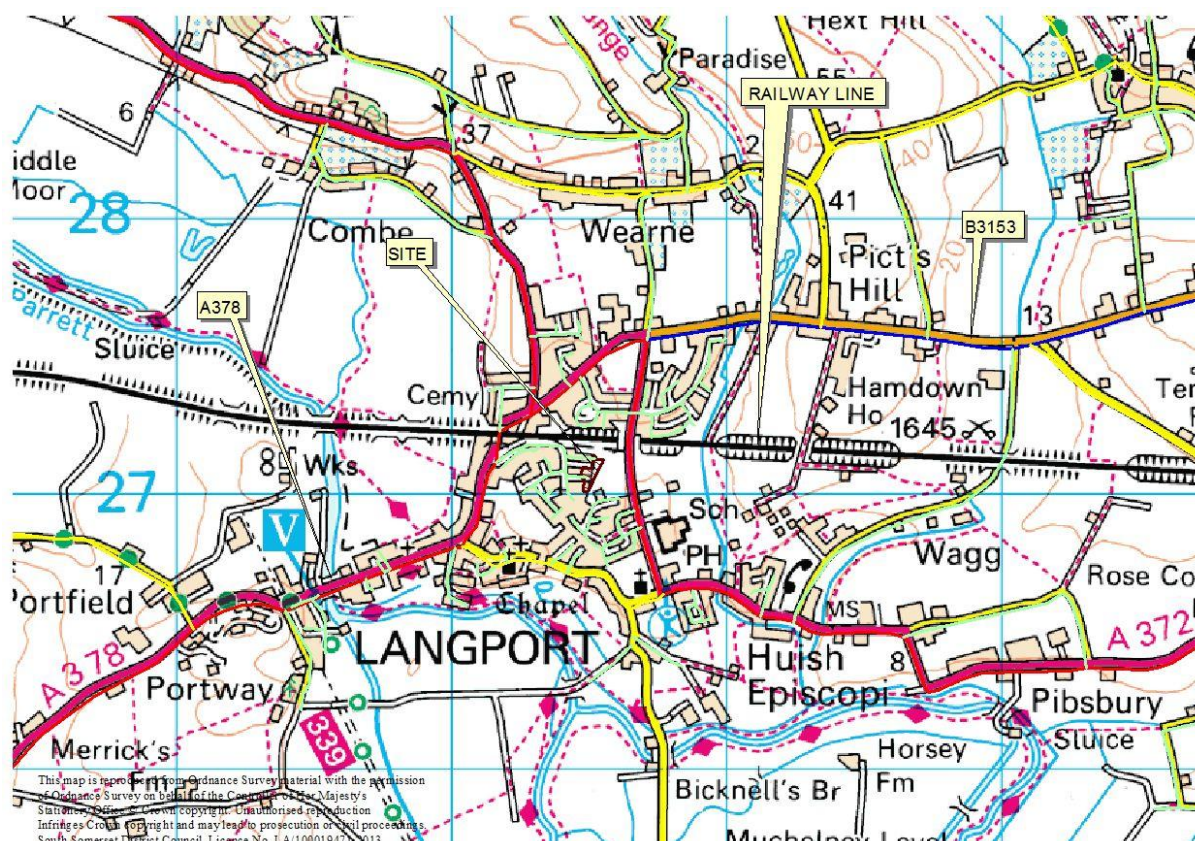
### Officer Report On Planning Application: 13/00551/DPO

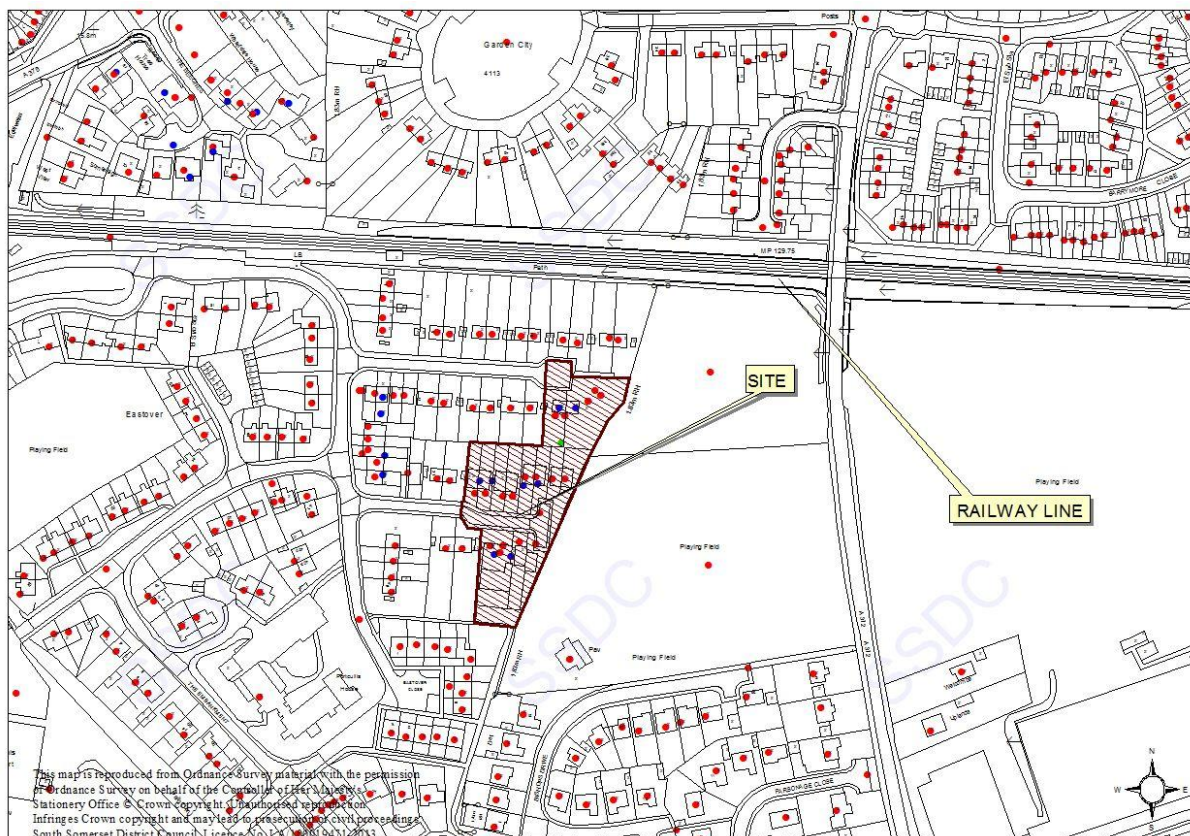
<b>Proposal :</b>	Application to discharge requirement of Strategic Sports contribution relating to planning approval 09/02237/FUL (GR:342521/127092)
<b>Site Address:</b>	Land At Eastover, Langport.
<b>Parish:</b>	Langport
<b>LANGPORT AND HUISH Ward (SSDC Member)</b>	Cllr Roy Mills
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	5th April 2013
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

Application to seek the discharge of a financial obligation within S106 Agreement relating to Planning Approval 09/02237/FUL.

### SITE DESCRIPTION AND PROPOSAL





The site is at the northern end of Eastover and Cedar Terrace, adjacent to the cricket ground. The original application (09/02237/FUL) gained full planning permission for the demolition of 8 PRC dwellings and the erection of 17 dwellings with 32 car parking spaces and associated highway works.

This DPO (Discharge of Planning Obligation) is made to vary the S106 planning obligation to discharge the requirement to pay specific elements of the Strategic Leisure Contributions relating to the planning approval (09/02237/FUL) on the grounds of financial viability. The ability of an applicant to make an application to vary a S106 was agreed by the District Executive in April 11.

The payments towards all off-site recreation, equipped play and youth facilities for the local area have been made.

## HISTORY

(09/02237/FUL) Demolition of 8 PRC dwellings and the erection of 17 dwellings with 32 car parking spaces and associated highway works.

## POLICY

ST10 of the South Somerset Local Plan (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

Process for Developers to follow if they wish to vary/amend an S106 - District Executive  
April 11

## CONSULTATIONS

**Ward Member** - No comments received

**Parish Council** - Members noted the application, and recommended refusal.

**Area Development Manager (North)** - Verbal acceptance in line with the Council's policy.

**Community Health & Leisure Manager** - No objection to the application.

## REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

## CONSIDERATIONS

The application is made to vary the S106 agreement dated 22nd December 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/02237/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of off-site recreation, equipped play, youth and leisure facilities.

The scheme subsequently provided 100% affordable housing.

An off-site recreation contribution of £20,044 has been received by the developer.

A play equipment contribution of £11,843 has been received from the developer.

A youth facilities contribution of £4,379 has been received from the developer.

All contributions secured to serve the development at the Langport & Huish Memorial Recreation Ground, some monies secured for Langport Cricket Club.

The developer, as per South Somerset's approved process, has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£11,265) - towards sports halls, swimming pools and/or synthetic pitches in Yeovil. Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

The financial data submitted with this application has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is



an issue in bring forward development, particularly when those schemes contain affordable housing.

**CONCLUSION**

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol that the scheme is unable to make the contributions towards Strategic Leisure Facilities.

**RECOMMENDATION**

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 22nd December 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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Area North Committee – 28 August 2013

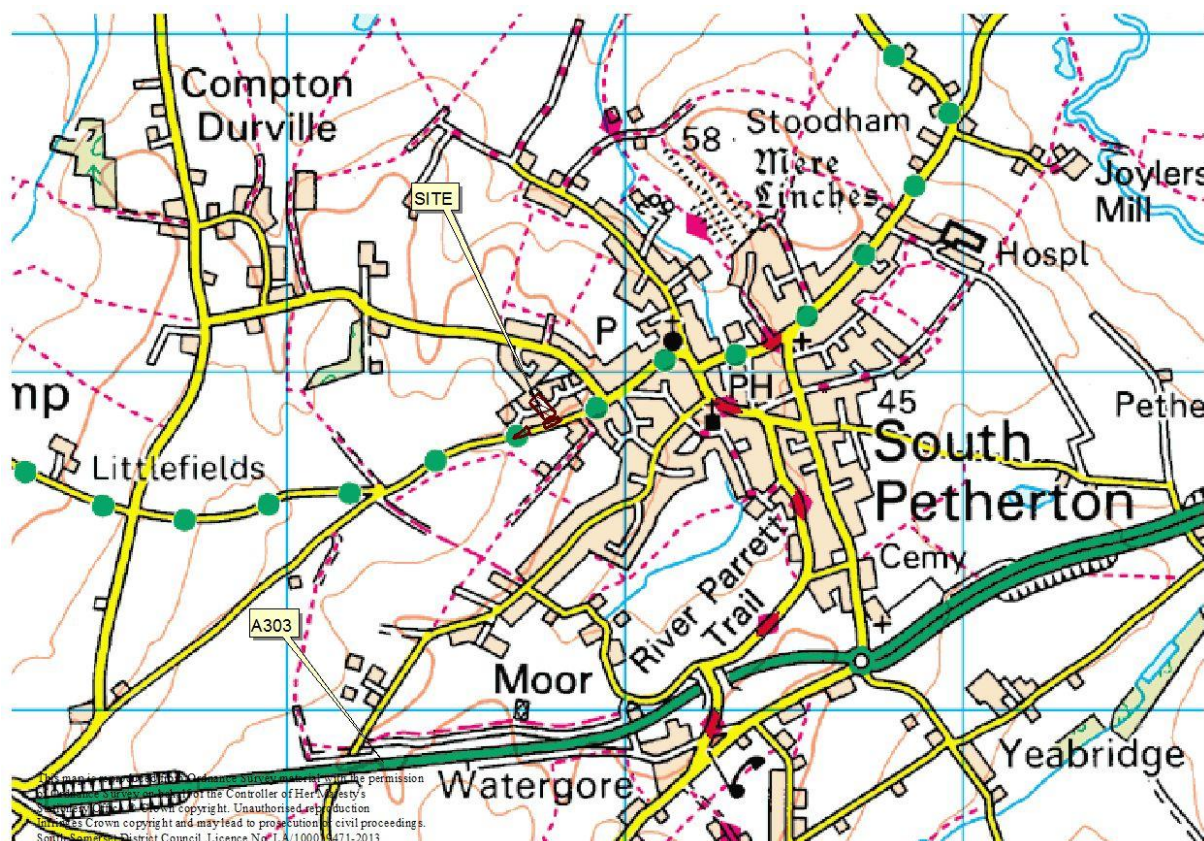
### Officer Report On Planning Application: 13/00592/DPO

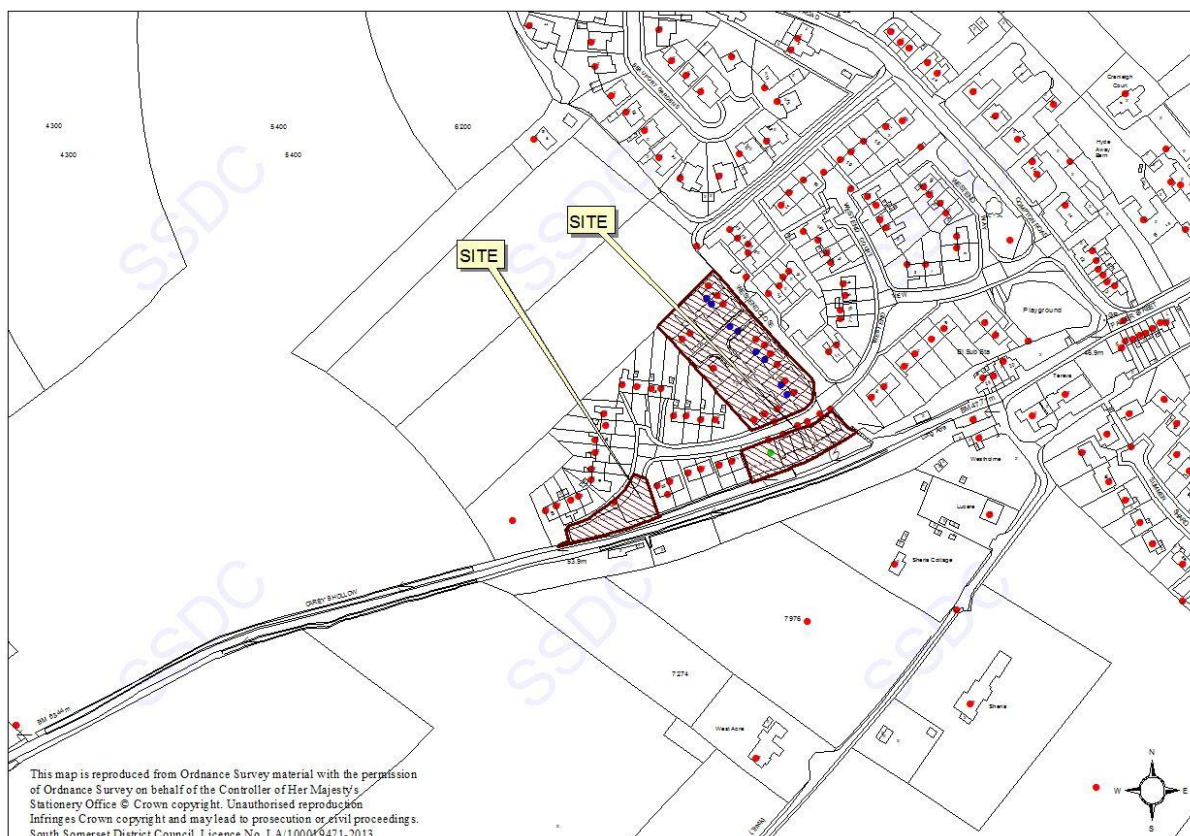
<b>Proposal :</b>	Application to remove the requirement to pay the strategic leisure contribution relating to planning approval 07/01252/FUL (GR 342775/116846)
<b>Site Address:</b>	Land At West End Close, West End View, South Petherton.
<b>Parish:</b>	South Petherton
<b>SOUTH PETHERTON Ward (SSDC Members)</b>	Cllr Paul A Thompson Cllr Barry R Walker
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	5th April 2013
<b>Applicant :</b>	Yarlington Housing Group
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

Application to seek the discharge of a financial obligation within the S106 Agreement relating to Planning Approval 07/01252/FUL.

### SITE DESCRIPTION AND PROPOSAL





The application site is split into three parcels on the western edge of South Petherton. The main site is west of West End Close and the two other parcels are located to the south and western end of West End View, South Petherton. The original application (07/01252/FUL) gained full planning permission for the demolition of No's 2 - 16 (even only) West End Close and garage blocks in West End View and the erection of 19 dwellings and associated additional car parking. The scheme is now fully completed and occupied.

This DPO (Discharge of Planning Obligation) is made to vary the S106 planning obligation to discharge the requirement to pay specific elements of the Strategic Leisure Contributions relating to the planning approval (07/01252/FUL) on the grounds of financial viability. The ability of an applicant to make an application to vary a S106 was agreed by the District Executive in April 11.

All payments towards equipped play and youth facilities for the local area have been made.

## HISTORY

(07/01252/FUL) Demolition of No's 2 - 16 (even only) West End Close and garage blocks in West End View and the erection of 19 dwellings and associated additional car parking.

## POLICY

ST10 of the South Somerset Local Plan (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or

mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and appropriate phasing of development. Piecemeal development will not be permitted".

Process for Developers to follow if they wish to vary/amend an S106 - District Executive April 11

## CONSULTATIONS

**Ward Members** - No comments received

**Parish Council** - Members noted the application, and recommended approval.

**Area Development Manager (North)** - Verbal acceptance in line with the Council's policy.

**Community Health & Leisure Manager** - No objection to the application.

## REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

## CONSIDERATIONS

The application is made to vary the S106 agreement dated 11th August 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (07/01252/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of equipped play, youth and leisure facilities.

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £13,643 has been received from the developer.

A youth facilities contribution of £1,800 has been received from the developer.

All contributions are to serve the development.

The developer, as per South Somerset's approved process, has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£8,020) - towards sports halls, swimming pools and/or synthetic pitches in Yeovil. Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

The financial data submitted with this application has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District

Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

**CONCLUSION**

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol that the scheme is unable to make the contributions towards Strategic Leisure Facilities.

**RECOMMENDATION**

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 11th August 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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