

# South Somerset District Council

## Notice of Meeting



# Area West Committee

*Making a difference where it counts*

## Wednesday 20th June 2012

### 5.30 pm

**The Shrubbery Hotel  
Station Road  
Ilminster  
Somerset TA19 9AR**

(See location plan overleaf)

---

The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Andrew Blackburn** on Yeovil (01935) 462462  
email: [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk)

This Agenda was issued on Monday, 11th June 2012

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

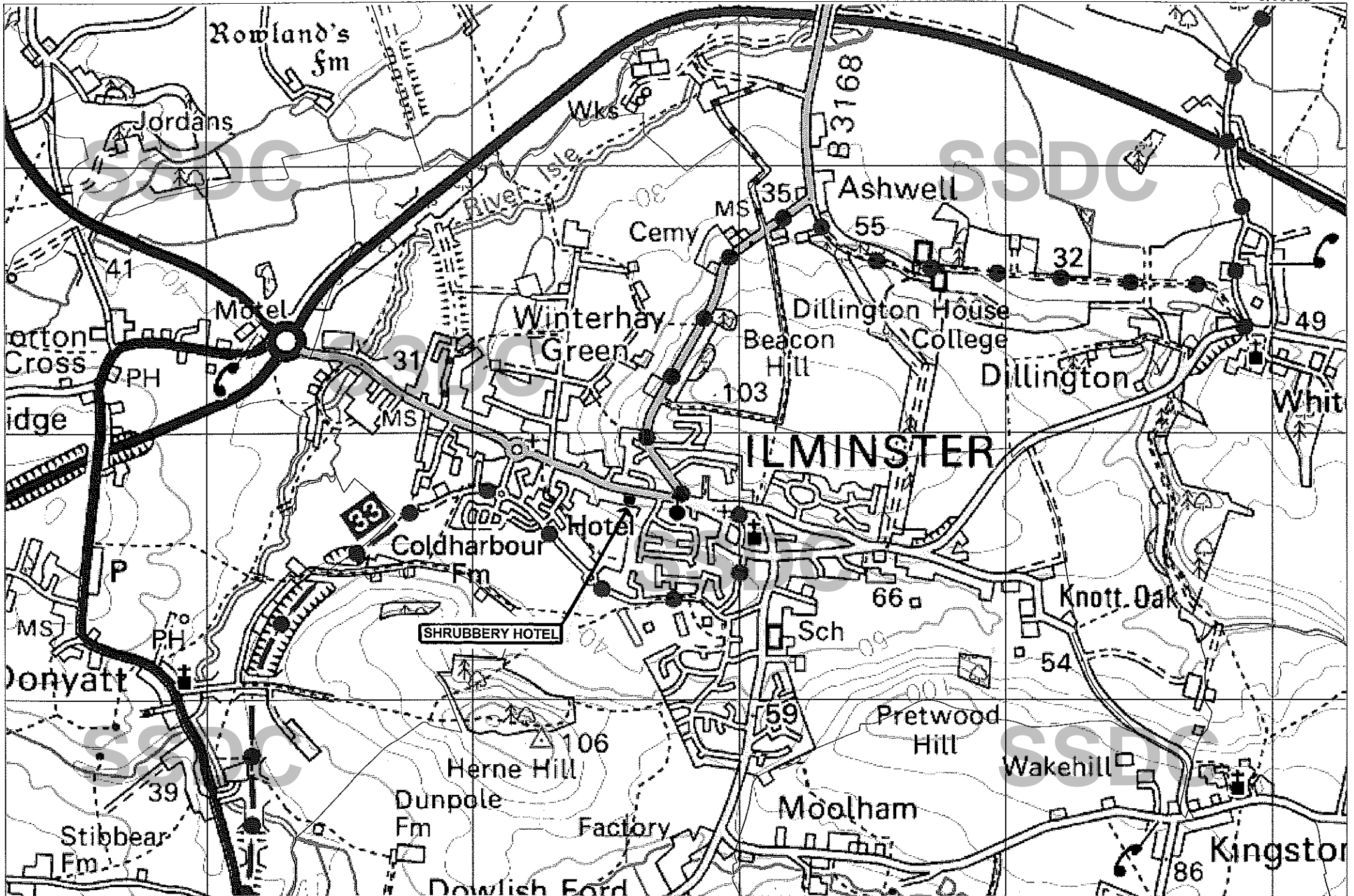


2007-2008  
Neighbourhood and  
Community Champions:  
The Role of Elected Members  
2006-2007  
Improving Rural Services  
Empowering Communities  
2005-2006  
Getting Closer to Communities

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



INVESTOR IN PEOPLE



Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council – LA 100019471-2012.

## Area West Membership

**Chairman:** Angie Singleton  
**Vice-Chairman:** Paul Maxwell

Michael Best  
David Bulmer  
John Dyke  
Carol Goodall  
Brennie Halse

Jenny Kenton  
Nigel Mermagen  
Sue Osborne  
Ric Pallister  
Ros Roderigo

Kim Turner  
Andrew Turpin  
Linda Vijeh  
Martin Wale

### Somerset County Council Representatives

Somerset County Councillors (who are not already 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.** The following County Councillors are invited to attend the meeting:-

Councillor Cathy Bakewell and Councillor Jill Shortland.

### South Somerset District Council – Corporate Aims

**Our key aims 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 and 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

Members of the public are requested to note that the Committee will break for refreshments at approximately 6.45 p.m. Planning applications will not be considered before 7.00 p.m. 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.

### 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 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3<sup>rd</sup> Wednesday of the month in venues throughout Area West.

Agendas and minutes of Area Committees are published on the Council’s website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

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 3 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/Agent  
District Council Ward Member  
County Council Division 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 personal and prejudicial interest**

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, 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.

---

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

---

# Area West Committee

Wednesday 20th June 2012

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meetings held on 16th and 17th May 2012**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. 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 the 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:

Cllr. Mike Best  
Cllr. Ros Roderigo  
Cllr. Angie Singleton  
Cllr Linda Vjeh

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. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

**5. Chairman’s Announcements**

*Page Number*

***Items for Discussion***

6. **Area West Committee - Forward Plan .....1**

7. **Area West 2011/12 Outturn Report (Executive Decision).....4**

8. **Area West – Community Grants - System of Delegation.....11**

9. **Services Delivered to the Community from our Front Desks 2011/12 .....16**

10. **Area West Working Groups - Appointment of Members 2012/13 (Executive Decision)..... 19**

11. **Area West Committee - Appointment of Members to Outside Organisations 2012/13 (Executive Decision).....20**

12. **Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman (Executive Decision) .....23**

13. **Reports from Members on Outside Organisations .....24**

14. **Feedback on Planning Applications referred to the Regulation Committee .....25**

15. **Planning Appeals.....26**

16. **Planning Applications .....27**

17. **Date and Venue for Next Meeting .....28**

**THE SCHEDULE OF PLANNING APPLICATIONS APPEARS AFTER PAGE 27.**

**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 West Committee – 20th June 2012

## **6. Area West Committee - Forward Plan**

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Agenda Co-ordinator:* Andrew Blackburn, Committee Administrator, Legal & Democratic Services  
*Contact Details:* [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk) or 01460 260441

### **Purpose of the Report**

This report informs members of the proposed Area West Committee Forward Plan.

### **Recommendation**

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached at pages 2-3;
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

### **Forward Plan**

The forward plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The forward plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area 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 corporate aims and objectives.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

**Background Papers:** None.



## Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Andrew Blackburn, 01460 260441 or e-mail [andrew.blackburn@southsomerset.gov.uk](mailto:andrew.blackburn@southsomerset.gov.uk)
- (3) Standing items include:
  - a. Quarterly Budget Monitoring Reports
  - b. Reports from Members on Outside Organisations
  - c. Feedback on Planning Applications referred to the Regulation Committee
  - d. Chairman's announcements
  - e. Public Question Time

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
18th July 2012	Area West Community Safety Police Performance and Neighbourhood Policing	Report on the activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West	Inspector Jackie Gold, Avon and Somerset Constabulary
18th July 2012	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
18th July 2012	Historic Buildings at Risk in Area West	To update members on the status of buildings at risk in the Area	Adron Duckworth, Conservation Manager
15th August 2012	Quarterly Budget Monitoring Report	To update members on the current financial position of the Area West budgets	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
15th August 2012	Chard Regeneration Scheme	Report on progress	Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager David Norris, Development Manager
15th August 2012	Stop Line Way	Report on progress	Andrew Gillespie, Area Development Manager (West)
19th September 2012	Asset Management Strategy	To discuss with members the principles of the SSDC Asset Management Strategy including asset transfer and the checklist now available for use.	Donna Parham, Assistant Director (Finance and Corporate Services) Andrew Gillespie, Area Development Manager (West)
17th October 2012	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme.	Colin McDonald, Corporate Strategy Housing Manager

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
21st November 2012	Quarterly Budget Monitoring Report	To update members on the current financial position of the Area West budgets	Catherine Hood, Corporate Accountant Andrew Gillespie, Area Development Manager (West)
21st November 2012	Highways Maintenance Programme	To update members on the highways maintenance work carried out by the County Highway Authority	Mike Fear, Assistant Highway Service Manager, Somerset County Council
Regular monthly reports	Community Grant Applications	To consider grant applications.	Paul Philpott, Community Development Officer Zoë Harris, Community Regeneration Officer Area Development (West)
<i>To be confirmed</i>	<i>Review of Area Working</i>	<i>To consider the outcome of the Area Review</i>	
<i>To be confirmed</i>	<i>Area West Community Safety Devon &amp; Somerset Fire &amp; Rescue Service</i>	<i>Update on the work of the Fire and Rescue Service to promote fire safety</i>	
<i>Twice per year.</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>
<i>Twice per year</i>	<i>Ilminster Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area Committee West – 20th June 2012

## 7. Area West 2011/12 Outturn Report (Executive Decision)

Chief Executive: Mark Williams, Chief Executive  
 Assistant Director: Donna Parham (Finance and Corporate Services)  
 Service Manager: Amanda Card, Finance Manager  
 Lead Officer: Catherine Hood, Corporate Accountant  
 Contact Details: catherine.hood@southsomerset.gov.uk or 01935 462157

### Purpose of the Report

The purpose of this report is to inform members of the actual spend against budgets for 2011/12 of the services over which this Committee exercised financial control.

### Public Interest

This report gives an update on the outturn position of Area West Committee after twelve months of the financial year 2011/12.

### Recommendations

Members are recommended to:

- (1) review and comment on the 2011/12 financial outturn position of Area West Budgets;
- (2) note the position of the Area West Revenue Reserve;
- (3) carry forward the slippage of £1,000 on approved capital schemes and £19,945 of unallocated capital funds.

## REVENUE BUDGETS

### Background

Full Council in February 2011 set the General Revenue Account Budgets for 2011/12 and delegated the monitoring of the budgets to the four Area Committees and District Executive. Area West now has delegated responsibility for the Area West development revenue budgets, which include revenue grants and regeneration, the Area West Capital Programme and the Area West Reserve.

### Financial Position

The table below shows the position of revenue budgets as at 31st March 2012. This includes transfers to or from reserves.

	£
<b>Approved base budget as at Feb 2011 (Original Budget)</b>	<b>381,650</b>
General Fund to Community Justice Panel	10,000
Budget Carry forwards (£20,000 approved June 2011)	20,000
Chard Healthy Living Centre Business Rates	(2,470)
Printer funding transferred to Finance	(2,380)
Allocation from Area Reserve for Market Project	840
Allocation of training budget	360
<b>Revised Budget as at 31st March 2012</b>	<b>408,000</b>

A summary of the revenue position as at 31<sup>st</sup> March 2012 is as follows:

Element	Original Budget £	Revised Budget £	Actual Spend £	Carry Forwards	Actual+ Carry Forwards £	Variance £	%
<b>Development</b>							
Expenditure	368,920	393,000	381,741	15,280	397,021	4,021	
Income	(48,490)	(34,750)	(38,227)	0	(38,227)	(3,477)	
<b>Projects</b>							
Expenditure	21,130	83,960	85,044	0	85,044	1,084	
Income	(13,930)	(69,230)	(77,997)	0	(77,997)	(8,767)	
<b>Grants</b>							
Expenditure	54,020	35,020	32,727	2,800	35,527	507	
Income	0	0	0	0	0	0	
<b>Group Total</b>							
Expenditure	444,070	498,680	499,512	18,080	517,592	18,912	4
Income	(62,420)	(90,680)	(116,224)	0	(116,224)	(25,544)	(28)
<b>Net Expenditure</b>	<b>381,650</b>	<b>408,000</b>	<b>383,288</b>	<b>18,080</b>	<b>401,368</b>	<b>(6,632)</b>	<b>(1.6)</b>

Carry forward approval will be sought at District Executive on 7<sup>th</sup> June 2012.

The reasons for the major variances are:

Service	Variance £	Details
<b>Development</b>		
Markets	1,018	Shortfall in market income which has been offset by slight reduction in expenditure
Community Development	3,613	Overspend on salaries due to budgeting at bottom of scale
Area Admin	(3,985)	Increase in income fees and recharges
<b>Projects</b>		
Chard Healthy Living Centre	(7,722)	Increased income from recharge of service charges and reduction in Business Rates payment and other general costs

### Area Development Manager's Comments

In challenging financial times we continue to develop imaginative responses to many local community issues and initiatives. In 2011/12 the Area West Committee was able to oversee expenditure on a wide variety of projects and programmes. Most of these involved variables that were beyond the control of Area Development Staff. It is pleasing to note that, despite this, an outturn variance against the revenue budget of only 1.6% was achieved.

### Budget Virements

Under the Financial Procedure Rules the Strategic/Assistant Directors & Managers can authorise virements within each individual service of their responsibility (as defined by Appendix B of the Annual Budget Report) and up to a maximum of £25,000 between services within their responsibility providing that the Assistant Director Finance &

Corporate Services has been notified in advance. All virements exceeding these limits need the approval of District Executive. All virements between different services, irrespective of value, need approving by District Executive. Area Committees can approve virements between their reserves and budgets up to a maximum of £25,000 per virement and £50,000 in any one financial year, provided that all such approvals are reported to the District Executive for noting. (In accordance with the constitution)

The following virements have taken place since the last report:

Amount £	From	To	Details
2,380	Area West Admin	Finance	Lease for MFD printer to be treated as finance lease. Costs and funding transferred to Finance
840	Area West Reserve	Area West Development (Markets)	Allocation of funding for market improvements agreed at Area West Committee October 2011
360	Strategic Management	Area West Development	Corporate Training Budget Allocation

## AREA RESERVE

The position on the Area West Reserve is as follows:

		£
<b>Position as at 1<sup>st</sup> April 2011</b>		<b>54,960</b>
Less amounts transferred for use in 2011/12:		
Street Market Improvements	840	
<b>Current balance in Reserve at 31<sup>st</sup> March 2012</b>		<b>54,120</b>
Less amounts allocated but not yet transferred:		
Underwrite Community Grants	(40,500)	
Provision for Street Market improvements (some contribution agreed in principle – subject to detail)	(13,500)	
		(54,000)
<b>Uncommitted balance remaining</b>		<b>120</b>

## CAPITAL PROGRAMME

The revised capital programme for this financial year and beyond is attached following this report together with a progress report on each scheme either Area or District Wide that are current within Area West.

In summary the actual spending to 31st March 2012 was £35,555 on an approved 2011/12 programme of £36,555. £19,945 of the unallocated programme for 2011/12 was unused. It is recommended that the slippage of £20,945 for both approved programme and reserved schemes be carried forward into 2012/13.

The slippage and future spend includes £151,554 allocated to the reserve schemes as detailed in the table below:

<b>Schemes</b>	<b>Future Spend</b> £
Markets Improvement Group (Provision)	5,660
Iminster Community Office	20,000
Community Grants	61,500
Unallocated Capital Reserve	64,949
<b>TOTALS</b>	<b>151,554</b>

If members would like further details on any of the Area West budgets or services they should contact the relevant budget holder or responsible officer.

**Corporate Priority Implications**

The budget is closely linked to the Corporate Plan.

**Carbon Emissions & Adapting to Climate Change Implications (NI188)**

There are no implications currently in approving this report.

**Equality and Diversity Implications**

When the Area West budget was set any savings made included an assessment of the impact on equalities as part of that exercise.

***Background Papers** – Financial Services Area West budget file*

**AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16**

	2011/12 Estimate Spend	Actual Spend to 31/3/2012	Slippage to Carry Forward	Future Spend Excluding Slippage	Responsible Officer(s)	Responsible Officers comments on action on slippage and performance against targets
	£	£	£	£		
<b>Health and Well Being</b>						
The Neroche Project	0	0	0		A Gillespie	Funds returned to unallocated balances (Area West Committee November 2011).
Pavilion Extension Forton Rangers Football Club	0	0	0	0	L Pincombe	Funds returned to the unallocated capital reserve (Area West Committee 21st September 2011)
Chard Football Club Floodlights	1,000		1,000	0	A Gillespie	All funding for the project confirmed in place (12th March 2012). Completion by the end of May 2012 anticipated.
Winsham PC Village Green and Play Area	12,500	12,500	0	0	A Gillespie	Grant paid July 2011 - Project complete.
Combe St Nicholas Village Hall Kitchen	8,500	8,500	0		A Gillespie	Grant paid March 2012 - Project complete.
<b>Total Health and Well Being</b>	<b>22,000</b>	<b>21,000</b>	<b>1,000</b>	<b>0</b>		
<b>Environment</b>						
<b>Total Environment</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
<b>Economic Vitality</b>						
Snowdon Park - Mitchell Gardens Play Area	1,255	1,255			R Parr	Snowdon Park project is now complete and play area officially opened on the 5th August 2011.
Snowdon Park - Mitchell Gardens Section 106 contribution			0		A Gillespie	
Contribution from Residents Association	(1,700)	(1,700)	0		A Gillespie	
NET cost of Chard The Mintons	<b>(445)</b>	<b>(445)</b>		<b>0</b>		
Hinton St George Village Shop	12500	12,500	0	0	A Gillespie	Grant paid July 2011 - Project complete.
Crewkerne Heritage Centre	2500	2,500	0	0	A Gillespie	Grant paid February 2012 - Project complete.
<b>Total Economic Vitality</b>	<b>14,555</b>	<b>14,555</b>		<b>0</b>		
<b>Total West Capital Programme Approved in Detail</b>	<b>36,555</b>	<b>35,555</b>	<b>1,000</b>	<b>0</b>		

## AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16

	2011/12 Estimate Spend	Actual Spend to 31/3/2012	Slippage to Carry Forward	Future Spend Excluding Slippage	Responsible Officer(s)	Responsible Officers comments on action on slippage and performance against targets
	£	£	£	£		

### Approved in Principle and Unallocated

Ilminster Community Office	0		0	20,000	A Gillespie	The need for alternative premises remains. A way forward could emerge in 2012/13.
Area West Markets Improvement Group (Nov 2010 committee)	5,660		5,660		A Gillespie	Development agreements that will improve the vitality and long term viability of our street markets are imminent. These are likely to involve some capital spend.
Community Grants (January 2012 committee)	0		0	61,500	A Gillespie	£70,000 allocation to community grants budget agreed at Area West Committee January 2012. One capital grant paid of £8,500 (Combe St Nicholas) shown in main programme above.
Unallocated Programme	14,285		14,285	50,109	A Gillespie	As projects are agreed at committee funding is shown in main programme above. A contribution of £555 was made from unallocated balances this year to allow work on the Snowdon Park project (above) to be completed. Estimated spend and slippage carried forward are both residual end of year figures. Additional £25,000 awarded February 2012 for 2012/13
<b>Total Approved in Principle and Unallocated</b>	<b>19,945</b>		<b>19,945</b>	<b>131,609</b>		

### Summary

Reserve Schemes (Approved in Principle and Unallocated)	19,945		19,945	131,609
West Capital Programme	36,555	35,555	1,000	0
<b>Total Programme to be Financed</b>	<b>56,500</b>	<b>35,555</b>	<b>20,945</b>	<b>131,609</b>



## AREA WEST CAPITAL PROGRAMME 2011/12 - 2015/16

	2011/12 Estimate Spend	Actual Spend to 31/3/2012	Slippage to Carry Forward	Future Spend Excluding Slippage	Responsible Officer(s)	Responsible Officers comments on action on slippage and performance against targets
	£	£	£	£		

### Corporate Capital Programme Schemes in Area West

Community Play Scheme 2006 bid	6,000	2,122	<b>3,878</b>	82,000	R Parr	Redstart Park - majority of work complete, awaiting improvements to one item of equipment and retention sums. Blackdown View Ilminster & Furzehill Chard profiled for 2012/13, Packers Way Misterton profiled for 2013/14
Youth Facilities Development 2006 bid	0	0	<b>0</b>	20,000	R Parr	Broadway, Combe St Nicholas, West and Middle Chinnock and Misterton projects under review but reprofiled to 2012/13 in the meantime.
Multi Use Games Areas	0		<b>0</b>	35,000	R Parr	Ilminster profiled for 2012/13, steering group formed and project details being considered.
Grants to Parishes with Play Area	12,500	12,500	<b>0</b>	12,500	R Parr	Forton Road Chard complete, Henhayes Crewkerne profiled for 2013/14

### Corporate Capital Programme Administered by Area West

Market Town Vision - All Areas	23,000	(12,000)	<b>35,000</b>	175,000	A Gillespie	Funding for Market Town Investment projects in Castle Cary, Martock, Somerton and Bruton to the value of £45,250 agreed but not yet drawn down. This expenditure should occur in the first quarter of 2012-13 and budget will be re profiled then. Four further schemes to the combined value of c£40,000 are currently in preparation and spend is anticipated in the second quarter of 2012-13. £20,000 grant repaid in 2011/12 therefore gross expenditure was £8,000.
--------------------------------	--------	----------	---------------	---------	-------------	--

Area West Committee – 20th June 2012

## 8. Area West – Community Grants - System of Delegation

*Strategic Director: Rina Singh (Place and Performance)*  
*Assistant Director: Helen Rutter (Communities)*  
*Service Manager: Andrew Gillespie, Area Development Manager (West)*  
*Lead Officer: Paul Philpott, Community Development Officer*  
*Contact Details: paul.philpott@southsomerset.gov.uk or 01460 260359*

### **Purpose of the Report**

To detail the procedure for assessing delegated grants within the Community Grant Scheme.

### **Public Interest**

This report describes the mechanism used for assessing applications for Community Grants of £750 or less.

### **Recommendation**

That members note the report.

### **The Community Grant Scheme**

The Community Grant Scheme has been designed to assist local groups bring forward good projects that will benefit their communities. For grant requests above £750 all eligible applications are taken to the Area West Committee for consideration. For requests of £750 or less, Officers assessing the application may opt to use delegated authority to make a decision themselves and report that decision to a future meeting of the Area Committee.

### **The Community Grant Delegated Grant Scheme**

The decision by the Officer to opt for the delegated grant scheme is normally made at the point of first enquiry. If the applicant is clear that their grant request will fall below £750, then the simpler application form will normally be sent (See Appendix 1). Whilst the application process is made as straightforward as possible for the scale of the project, the appraisal process is still rigorous.

Occasionally applicants have determined that their grant request will be above £750 at the outset and having completed the standard application form find that the grant required is below the threshold. On these occasions the Officer can assess the application as a delegated grant request, without requiring the completion of additional paperwork.

### **How it works**

An application assessed under the scheme of delegation is still regarded as an application to the community grant scheme. This means, for example, that applicants are expected to approach their Town or Parish Council to seek a financial contribution towards the project.

## **The assessment process**

Each application is scored using the same criteria. This will include:

- Eligibility of the organisation
- Target Groups
- Evidence of need
- Capacity of the organisation to deliver the project
- Financial need
- Innovation
- Contribution from the Town or Parish Council

Funding is only considered for projects scoring above 22 points when assessed against these criteria.

The assessment process reflects the level of detail provided in the simpler application form.

The Officer will seek the views of the elected member(s) for the project area as part of the overall assessment process and will only confirm his/her decision in consultation with those members and the Area Committee Chairman.

## **Town and Parish Council contributions**

All applicants are asked to approach their Town or Parish Council to seek a contribution towards project costs. Whilst it is possible to approve a grant even if there is no such contribution, this is the exception rather than the rule.

Having reviewed the simple application form, it is clear that a specific request to contact the Town or Parish Council would improve it. I have amended the form accordingly and have attached a copy as an appendix.

## **Offer procedure**

If the Officer's recommendation is for approval and no queries or objections have been raised by members within a 10 day period from circulation of the recommendation, an offer letter will be sent to the applicant.

## **How useful is this Scheme**

I have found the delegated grant scheme a valuable option when assessing requests for smaller grants. Community groups have a simpler straightforward form to complete that is appropriate to the level of their funding request. The delegated grant scheme offers a quick and effective assessment process whilst maintaining the robustness of the scoring format.

## **Decisions made under delegated authority**

To date seven applications have been assessed under the delegated grant scheme. In addition to four approved projects, a further application is at present under consideration whilst two further projects were rejected as ineligible.

In the period from March 2012 to May 2012 the following grants were made under delegated authority;

Organisation	Project	Total Cost	Grant	Date Approved
Ilminster Entertainment Society	A backdrop roller for a Youth Theatre.	£800	£400	22/03/2012
Chard 2000 and Chard in Bloom	Replanting of a Chard flowerbed	£500	£150	23/05/2012
Chard Good Companions	Five coach outings for older members of the Community.	£1,017	£500	23/05/2012
Wambrook Parish Council	Wambrook Village Book	£704	£500	23/05/2012
<b>Total</b>		<b>£3,021</b>	<b>£1,550</b>	

### Financial Implications

The current budget allocation for the Area West Community Grants programme is £107,000. To date, the Area West Committee has approved grants to the value of £52,746. the further £1,550 approved by officers using delegated authority takes the total value of grants approved to £54,246 leaving a balance of £52,754 for further community grants.

### Council Plan Implications

Focus Four: Health and Communities – We want communities that are healthy, self reliant and have individuals who are willing to help each other.

### Carbon Emissions & Adapting to Climate Change Implications (NI 188)

There are no implications in this report.

### Equality and Diversity Implications

The projects for which grant aid have been awarded are accessible and open to appropriate sectors of the community.

**Appendix 1:** *Revised delegated grant scheme application form.*

**Background Papers:** *Community Grant Criteria  
([www.southsomerset.gov.uk/communities/funding-for-your-group-or-project](http://www.southsomerset.gov.uk/communities/funding-for-your-group-or-project))  
Grant applications on File*

# Community Development Officer's Project Fund

## Grant Application Form

Name of organisation:

---

Name of project:

---

Contact name:

Address:

Position in organisation:

Telephone Numbers - Daytime:

Evening:

Email address:

---

Brief description of organisation:

---

**Outline of project for which assistance is needed:**

(Please indicate how it will benefit the community and give evidence of community support)

---

Date project will begin:

Duration:





**Cost of project:** (Please give details)

**Initial costs**

£

**Running costs**

£

**Amount sought from Project Fund:**

£

**Money from other sources:** (Either received or applied for)

**Please Note :** A condition of the scheme is that you should seek a contribution towards the project from your Town or Parish Council.

**Funding body**

**Amount**

Please include a budget and accounts with your application

**If we are unable to help with funding, what will the effect be?**

**If this application is successful, we will need details of who to make cheque payable to:**

**Name of account holder:**

**Address:**

**How did you find out about this Project Fund?**

**Signed:**

**Date:**

**Please return to:**

**Paul Philpott  
Community Development Officer (Area West)  
South Somerset District Council  
Holyrood Lace Mill  
Holyrood Street  
Chard, TA20 2YA**

Area West Committee – 20th June 2012

## 9. Services Delivered to the Community from our Front Desks 2011/12

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Paul Brazier, Area Support Team Leader (West)  
*Contact Details:* paul.brazier@southsomerset.gov.uk or 01460 260404

### Purpose of the Report

The purpose of this report is to update members on the type and volume of services we deliver to the community from our front offices.

### Public Interest

The Council has local offices in each of its areas. In Area West, customer enquiry desks are located in each of the main towns, i.e. Chard, Crewkerne and Ilminster, which enables the public to access a wide range of Council and related information and assistance. This report gives an update on the type and volume of services delivered to the community from those offices.

### Recommendation

Members are recommended to note and comment on the report.

### Services Delivered from our Front Desks

We deliver services at three locations within Area West:

- Holyrood Lace Mill, Chard
  - Open 39.75 hours/week
  - 9-5 weekdays (4.45pm Fridays)
- Crewkerne Community Office, Market Square, Crewkerne
  - Open 33 hours/week
  - 9-5 Mon to Weds, 9-1 Thurs, 9-4 Fri, closed 1-1.30 for lunch
- Ilminster Community Office, North Street, Ilminster
  - Open 13.5 hours/week
  - 9.15 – 1.45 Mon, Tues, Thurs

The populations served from each of the offices are in round figures 20,000, 15,000 and 12,000 respectively.

All offices offer help with and advice on the full range of SSDC services. We also help with some County Council services such as reporting highways and street lighting faults and issuing bus pass application forms.

In Chard we offer additional self-help services that are very well used:

- a cash machine that accepts cash and card payments for the range of SSDC services and rent payments for Yarlinton
- JobCentrePlus free phone for access to their services
- Jobpoint offering easy access to the national jobs database
- confidential free phone access to all SSDC services, well used for housing and benefits queries
- confidential free phone access to County Council Adults and Children's services

At Chard and Crewkerne we have a public computer where customers can:

- register and bid for housing on the Homefinder website, with 100 customers per month using this facility.
- access our website for planning and other information
- access the Avon & Somerset Police website for information and reporting, with 6 to 8 people per month using this website (Crewkerne office is an official Police Point as their station no longer takes public enquiries).

The following table shows the average monthly number of customers for each of the services we deliver for the period April 2011 to March 2012. The SSDC Core Services are shown in bold print – Housing Benefits, Housing, Council Tax and Refuse & Recycling. Core Services account for 40% of our counter services (Chard 43%, Crewkerne 34%, Ilminster 55%).

In these times of economic downturn we have seen an increase in demand for Housing services, and customers for the Benefits service have remained at a high level. JobcentrePlus services continue to be in high demand, with over 750 customers per month proving the usefulness of hosting this service at a local venue.

#### Area West Customer Statistics April 2011 to March 2012

Counter Services	Monthly Average		
	Chard	Crewkerne	Ilminster
<b>Core services in bold</b>			
<b>Benefits</b>	<b>268</b>	<b>97</b>	<b>44</b>
<b>Housing &amp; Homeless</b>	<b>119</b>	<b>71</b>	<b>8</b>
<b>Council Tax</b>	<b>88</b>	<b>41</b>	<b>15</b>
<b>Refuse &amp; recycling</b>	<b>50</b>	<b>33</b>	<b>10</b>
Reception Services	259	128	24
Building Control	17	1	0
Bus Pass	23	18	9
Car Parks	11	11	2
Licensing	3	2	0
Elections & Democratic services	9	11	1
Environmental Health	8	5	1
Planning	28	6	2
Tourism, Heritage, Countryside	2	2	1
Local Information Centre (Tourism)	N/A	73	N/A
Horticulture & Streetscene	5	10	3
Registrar	76	N/A	N/A
Town Council	6	27	7
County Council (Social Services)	99	1	2
County Council Issue (e.g. roads, lighting)	50	74	5
Payments (assist at Cash Machine)	61	N/A	N/A
JobCentre Plus (assist customer)	18	N/A	N/A
Other	35	104	8
<b>TOTAL at Counter</b>	<b>1235</b>	<b>715</b>	<b>142</b>
<b>Continued over/...</b>			



### Area West Customer Statistics April 2011 to March 2012

	Monthly Average		
Self-service customers	Chard	Crewkerne	Ilminster
Payments at cash machine	988	N/A	N/A
Jobpoint customers	553	N/A	N/A
Jobphone customers	206	N/A	N/A
Freephone SSDC services	37	N/A	N/A
Freephone Social Services	25	N/A	N/A

We are continually reviewing our service to match customer need, and achieved a 95% Very Good or Good satisfaction level in the March 2012 customer survey.

### Financial Implications

None arising from this report.

### Council Plan Implications

The services provided from the Council's offices supports the delivery of the actions identified in the Council Plan.

### Carbon Emissions & Adapting to Climate Change Implications (NI 188)

The provision of local customer enquiry desks reduces the need to travel.

### Equality and Diversity Implications

We aim to make our front desk services accessible to all our residents and visitors where they can talk face to face with a customer adviser. We have long acknowledged that access to our Ilminster Office is inadequate and that this can only be improved when suitable alternative premises are found.

**Background Papers:** *Customer contact statistics*

Area West Committee – 20th June 2012

**10. Area West Working Groups - Appointment of Members 2012/13  
(Executive Decision)**

*Strategic Director: Mark Williams, Chief Executive*  
*Assistant Director: Ian Clarke, Legal and Corporate Services*  
*Service Manager: Angela Cox, Democratic Services Manager*  
*Lead Officer: Andrew Blackburn, Committee Administrator*  
*Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441*

**Purpose of the Report**

As the Council has entered a new municipal year the Committee is asked to review the appointment of members to its working groups.

**Recommendation**

It is recommended that the Committee reviews the appointment of members on the following group:-

**Crewkerne and Area Community Office - Board Representation**

The Crewkerne and Area Community Office Board maintains a watching brief over the Community Office. The Board is made up of one officer and one member from the Crewkerne Town Council and South Somerset District Council.

The previous member representative for the District Council was Cllr. Angie Singleton.

**Background Papers:** *None.*

---

Area West Committee – 20th June 2012

## 11. Area West Committee - Appointment of Members to Outside Organisations 2012/13 (Executive Decision)

Strategic Director: Mark Williams, Chief Executive  
 Assistant Director: Ian Clarke, Legal and Corporate Services  
 Service Manager: Angela Cox, Democratic Services Manager  
 Lead Officer: Andrew Blackburn, Committee Administrator  
 Contact Details: andrew.blackburn@southsomerset.gov.uk or 01460 260441

### Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of its members to serve on outside organisations.

### Recommendation

The Committee is asked to review and appoint members to the outside organisations listed below.

### Background

Set out below are those organisations to which representatives are appointed by this Committee. Further information is attached at pages 21-22.

Organisation	Representation 2011/12
A Better Crewkerne & District (ABCD)	Mike Best
Blackdown Hills AONB	Ros Roderigo
Chard and District Museum Society	Linda Vijeh
Crewkerne Heritage Centre	John Dyke
Crewkerne Leisure Management (Aqua Centre)	Angie Singleton
Ile Youth Centre Management Committee (Ilminster)	Kim Turner
Ilminster Forum	Kim Turner
Meeting House Arts Centre, Ilminster	Carol Goodall Sue Osborne
Stop Line Way Steering Group	Andrew Turpin
West One Youth and Community Centre (Crewkerne)	Angie Singleton

### Financial Implications

None.

### Implications for Corporate Priorities

None.

**Background Papers:** None.

## AREA WEST OUTSIDE ORGANISATIONS INFORMATION

Name of Organisation	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Venue of Meetings
ABCD (A Better Crewkerne & District)	1	1 Year	The promotion of regeneration and the provision, improvement and preservation of amenities for Crewkerne and district.	Registered Charity	Member of Steering Group	Every other month	Crewkerne Heritage Centre
Blackdown Hills AONB Partnership	1	1 Year	To safeguard the distinctive landscape, wildlife, historical and architectural character of the Blackdown Hills whilst fostering the social, economic well being of its people.	Partnership	Member of Management Group	Quarterly	Village Halls in the Blackdown Hills
Chard and District Museum	1	1 Year	The advancement of education, learning and knowledge by the provision and maintenance of a Public Museum. The exhibition of artefacts, pictures, maps, letters and other items of historical, geographical or geological interest.	Charitable Trust	Non Voting member	Quarterly	
Crewkerne Museum & Heritage Centre	1	1 Year	The provision and maintenance of a museum and heritage centre in Crewkerne for the display of exhibits of historical, scientific, literary or artistic significance or interest. The provision of facilities for the display of works of arts.	Company Charitable Trust	Observer	Quarterly	Crewkerne Heritage Centre
Crewkerne Leisure Management Ltd.	1	1 Year	To promote awareness of the benefits of swimming and associated sports.	Company Limited by Guarantee	Board Member	Bi-monthly	Crewkerne Town Hall or Aqua Centre
Ile Youth Centre	1	1 Year	To help and educate young people through their leisure time & activities so as to develop their physical, mental & spiritual capacities that they may grow to full maturity as individuals & members of society.	Management Committee	Committee Member	Every three months.	Ile Youth Centre

Name of Organisation	Number of Council Nominees	Period of Appointment	Aims & Objectives	Legal Status	Status of Councillor	Frequency of Meetings	Venue of Meetings
Ilminster Forum	1	1 Year	To work for the benefit of the community of Ilminster and promote, enhance and further the quality of life of its community in response to their needs.	Company Limited by Guarantee	Forum Member	Monthly	Shrubbery Hotel, Ilminster
Meeting House Arts Centre, Ilminster	2	1 Year	To provide a financially self-supporting centre for the use and enjoyment of the people of Ilminster. To encourage involvement in the organisation by an increasing range of members and non-members.	Company Limited by Guarantee with Charitable Status	Observer	Quarterly	Meeting House Arts Centre, Ilminster
Stop Line Way Steering Group	1	Not limited	To guide development of Stop Line Way Cycle Route	Advisory Group	Member	Approx. three monthly	
West One Youth and Community Centre, Crewkerne	1	1 Year	Assist and educate young people and enable community use of centre.	Management Committee	Committee Member		

Area West Committee – 20th June 2012

## 12. Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice-Chairman (Executive Decision)

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

### Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice-Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Cllrs. Nigel Mermagen and Kim Turner.

### Recommendation

That, in line with the Development Control Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice-Chairman to make decisions in the Chairman's and Vice-Chairman's absence on whether an application should be considered by the Area Committee where a request has been received from the ward member(s).

### Background

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice-Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice-Chairman there should be nominated substitutes to ensure that 2 other members would be available to make decisions. All assessments and decisions to be in writing."

### Financial Implications

None.

**Background Papers:** Council's Scheme of Delegation

Area West Committee – 20th June 2012

### **13. Reports from Members on Outside Organisations**

This is an opportunity for members who represent the Council on outside organisations to report items of significance to the Committee.

Members are asked to notify the Chairman before the meeting if they wish to make a report.

---

Area West Committee – 20th June 2012

**14. Feedback on Planning Applications referred to the Regulation Committee**

There is no feedback to report on planning applications referred to the Regulation Committee.

---



Area West Committee – 20th June 2012

## 15. Planning Appeals

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Martin Woods (Economy)  
*Service Manager:* David Norris, Development Manager  
*Lead Officer:* David Norris, Development Manager  
*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.

### Recommendation

That the report be noted.

### Background

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.

### Report Detail

#### Appeals Received

##### Written Representation

**Misterton** – Erection of one and a half storey detached dwellinghouse with rooms in roof plus associated garage, driveway and access, land to north of Broughtons, Broughtons Drive, Misterton – Mr. & Mrs. S. Lyus – 11/04199/FUL.

**Misterton** – The erection of detached dwelling (outline), 2 Belle Vue, Silver Street – Mr. Ian Norris – 11/05037/OUT.

**East Chinnock** – The change of use from former post office (Use Class A1) to residential, Post Office, Fordhay – Mrs. Jacqueline Lee – 12/00361/COU.

##### Public Inquiry

**Chard** – Development of 61 residential dwellings with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works, land at Mitchell Gardens (Snowdon Farm), Shepherds Lane – Redrow Homes South West – 11/04212/FUL.

**Background Papers:** Application files – 11/04199/FUL, 11/05037/OUT, 12/00361/COU & 11/04212/FUL.

Area West Committee – 20th June 2012

## 16. Planning Applications

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

The schedule of applications is attached following page 27.

The inclusion of two stars (\*\*) as part of the Assistant Director's (Economy) 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.

### **Human Rights Act 1998 Issues**

*The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-*

#### *Article 8: Right to respect for private and family life*

- (i) *Everyone has the right to respect for his 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 interest 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.*

#### *The First Protocol*

##### *Article 1: Protection of Property*

*Every natural or legal person is entitled to the peaceful enjoyment of his 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.*

**Background Papers:** *Individual planning application files.*

Area West Committee – 20th June 2012

**17. Date and Venue for Next Meeting**

The next scheduled meeting of the Committee will be held on Wednesday, 18th July 2012 at **5.00 p.m.** at Merriott Village Hall.

As mentioned at the last meeting the agenda for the July meeting will include the confidential report updating the Committee on Historic Buildings at Risk in Area West as the first item. To minimise disruption to the public it has been agreed that the meeting will commence at the earlier time of 5.00 p.m.

## Planning Applications – June 2012

### Members to Note:

*The inclusion of two stars (\*\*) as part of the Assistant Director's (Economy) 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.*

Page	Ward	Application	Proposal	Address	Applicant
1	Neroche/ Windwhistle	12/01066/FUL	Erection of farm managers dwelling and construction of new access	Lower Sea Farm Sea Iminster	Mr Andrew Grossey
14	Neroche/ Windwhistle	12/01067/FUL	Erection of agricultural building for housing pigs. Construction of hard surfaced service area and access	Lower Sea Farm Sea Iminster	Mr Andrew Grossey
30	Neroche/ Windwhistle	12/01068/FUL	Construction of slurry lagoon and silage clamp	Lower Sea Farm Sea Iminster	Mr Andrew Grossey

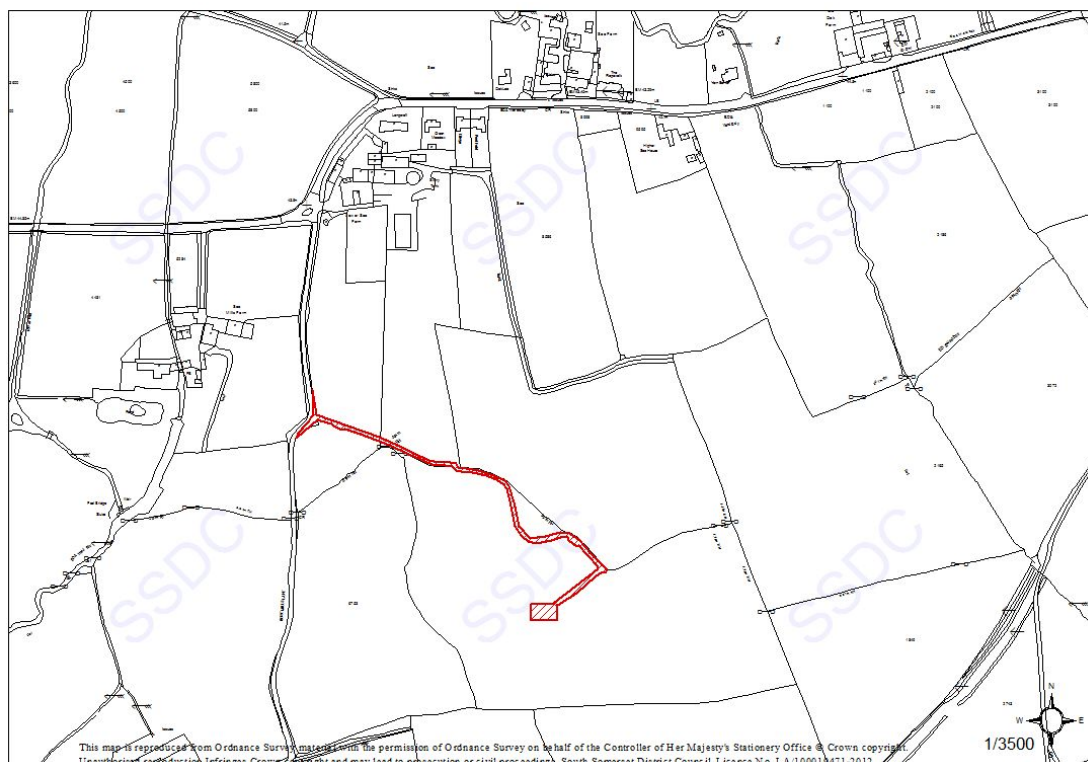
**Officer Report on Planning Application: 12/01066/FUL**

<b>Proposal :</b>	Erection of farm managers dwelling and construction of new access (GR 334861/112539)
<b>Site Address:</b>	Lower Sea Farm Sea Ilminster
<b>Parish:</b>	Donyatt
<b>NEROCHE Ward (SSDC Member)</b>	Ms. L P Vijeh (Cllr)
<b>WINDWHISTLE Ward (SSDC Member)</b>	Mrs. S. Osborne (Cllr)
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	24th May 2012
<b>Applicant :</b>	Mr Andrew Grossey
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates LTD Sanderley Studio Kennel Lane, Langport, Somerset, TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application site covers two wards; Neroche and Windwhistle. The Ward Member for Windwhistle has declared a personal and prejudicial interest and so decided not to comment upon the need or otherwise to refer these proposals to the Committee. The Area Chair agrees with the other Ward Member (Neroche) that in view of the considerable local interest in the outcome of the applications they should be considered by the Area West Committee.

**SITE DESCRIPTION AND PROPOSAL**



The application lies 400m to the south-east of the existing farm holding known as 'Lower Sea Farm'. The land is relatively flat and surrounded by agricultural fields. The current farm comprises 72 acres of land and includes a 1970's farm dwelling with a range of older stone barns and agricultural buildings; these are sited close to a number of residential properties that sit alongside the old A3037 including a listed property that may have been the original farmhouse.

The farm was previously a dairy unit but has been run as an intensive pig-rearing unit since 2006/7. The close proximity of the farm to the neighbouring properties has resulted in problems with regard to noise and smell nuisance and this has resulted in the Environmental Protection Team serving an Abatement Order in 2011.

The farm is currently owned by the County Council but is now being sold as part of their ongoing sale of County farms. The supporting documentation and Design Statement advise:-

- The applicant has reached an agreement to purchase 62 acres of land but this does not include the farmhouse and farm buildings.
- The farm was able to accommodate 2,500 pigs but the County Council determined that no pigs should be housed in the buildings adjacent to the residential properties in Lower Sea. The capacity of the farm was therefore reduced to 1,900 pigs.
- The pigs are brought onto site at 3 weeks of age and then reared for 8 weeks before being moved on to a finishing unit. Allowing for cleaning down and resting, the applicant rears 5 batches a year.
- The enterprise has been operated successfully since 2006 and has been the key enterprise for that period.
- Most of the land is cultivated to cereals or forage maize and the crops are sold to a local large scale dairy farmer. The applicant retains the straw crop which is used to bed and provide comfort for the pigs.

This application proposes the erection of a new farm dwelling with new access on land 400m to the south-east of the existing farm. A new farm access would be created from Bere Mills Lane to serve the new holding. The application should be considered in conjunction with two other applications at the same location; one for a new pig building (12/01067/FUL) and; one for a new slurry store and silage clamp (12/01068/FUL).

## **HISTORY**

12/00904/EIASS (EIA Screening and Scoping Request)– The erection of an agricultural building to house 2500 pigs. Determined an EIA was not required 19/3/2012.

12/00279/AGN – Notification of intent to relocate/erect an open sided pig rearing building. Permission not required 21/2/2012.

10/03148/FUL – The erection of an extension to existing agricultural building to house pigs. Withdrawn.

09/04778/EIASS – Screening opinion (Reg 5) new building to house nursery pigs. Determined an EIA was not required 18/12/2009.

07/04801/FUL – The erection of an extension to and use of an existing agricultural building to house pigs, together with a new feed silo and underground slurry tank. Approved 2008.

05/01683/ADV – Siting of three shop signs in boundary hedge. Split decision 2005.

05/01685/AGN – Erection of a steel framed portal building for produce and general storage. Permitted 2005.

04/01780/FUL – Proposed conversion of agricultural store to farm shop. Approved 27/9/2004.

99/02297/FUL – Erection of livestock building. Approved 2000.

35472/C/1 – Erection of farm dwelling. Approved 1970.

35472/C – Proposed new farm dwelling. Approved 1969.

35472/B – Erection of covered yard and dairy unit. Approved 1969.

35472/1 – Erection of loose boxes. Approved 1957.

35472 – Alterations and additions (cowhouse and dairy). Approved 1957.

## **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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 – Sustainable Development

STR6 – Development outside towns, rural centres and villages

5 – Landscape Character

49 – Transport Requirements of New Development

South Somerset Local Plan 2006:

Policies:-

ST3 – Development outside development areas

ST5 – General Principles of Development

ST6 - The Quality of Development

EC3 – Landscape Character

EP2 – Noise and Pollution

EP7 – Potential Odour Generating Developments

HG15 – Agriculture and Forestry Dwellings

National Planning Policy Framework

Chapters:

1. Building a Strong Competitive Economy

3. Supporting a Prosperous Rural Economy

7. Requiring Good Design

## 11. Conserving and Enhancing the Natural Environment

Sustainable Community Strategy for Somerset 2008-2026

Aim 2: Living Sustainably

Aim 3: Ensuring Economic Wellbeing

### **CONSULTATIONS**

#### **Knowle St Giles Parish Council (dwelling is in their Parish)**

'No contrary observations or comments have been received.'

#### **Donyatt Parish Council (new access is in their Parish):**

'The Parish Council supports this application with the following observation

The Council encourages the use of solar photovoltaic panels on the roof.'

#### **County Highway Authority (one response for all three sites):**

'The proposed development site lies outside defined development limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework, Adopted March 2012 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy ST3 of the South Somerset Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that one of the applications is for a farm managers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail, it is apparent from the submitted information that the proposal will involve the relocation of the existing agricultural building to the new site. The applicant has stated that it is their intention to extend the existing building in its new location. In terms of movements it is likely that the extended building could potentially generate additional vehicle movements. Although it is unlikely that the additional numbers, when compared to the existing farm traffic levels, would be significant enough to warrant a refusal.

The proposal would also require the formation of a new access onto Bere Mills Lane, which is designated as an un-classified road. In terms of its physical characteristics the lane is single width and has high hedges on either side of the carriageway. There are no passing places although there is a pull in point where the proposed access will be located. The proposed access will be located on the outside of a bend and would see the removal of a section of hedge to improve visibility. The applicant has indicated that splays of 2.4m x 35m can be provided in either direction. Due to the sites remote location the Highway Authority would usually apply Design Manual for Roads and Bridges (DMRB). However due to the nature of the lane, vehicle speeds are below 30mph in addition it should be noted that Manual for Streets design guidance can also be applied on lightly trafficked rural lanes. Therefore the proposed



splays can be considered acceptable. Bere Mills Lane serves an additional farm and also some converted barns. As previously stated this proposal is for relocating the existing farm rather than a whole new farm development. Consequently vehicle movements will not change as such the likelihood of two vehicles meeting on the lane will remain unchanged.

It is apparent from the road record that this proposal would require works to be carried out on the highway and also require part of the access to be located on the adopted highway itself. The Highway Authority would require the proposed visibility splay to the south of the access to be given up for adoption. This will allow the proposed visibility splay to be maintained.

In regards to the internal arrangements, the site will be accessed via a purpose built track. The applicant should note that this should be properly consolidated and surfaced over the first 10m. The access would also need to be constructed to appropriate width to be able to allow farm traffic to enter and exit the site with ease. It is noted that two passing places are to be provided. The applicant should note that these passing places should be constructed to accommodate both the larger and smaller farm traffic. In terms of the parking and turning arrangement for the proposed dwelling, the applicant has made provision for two parking spaces. Somerset County Council's Parking Strategy requires that provision is made for three spaces. From the details shown on the submitted plans I am satisfied that suitable space is available to provide the additional space.

In conclusion the site is located in an unsustainable location but it is noted that it is for a farm manager. As a consequence it must be a matter for the Local Planning Authority to weigh up the merits of the proposal against the Highway Authority's sustainability policies. In terms of the detail I am satisfied that sufficient space can be provided to allow three vehicles to park and leave in a forward gear. Having regard to the proposed access arrangements these seem to be acceptable in principle although the applicant will be required to properly consolidate the surface and also offer up the proposed visibility splay to the south so it can be adopted by the Highway Authority. Therefore taking the above into account I raise no objection to this proposal..'

The County Highway Authority advise that if planning permission were to be granted conditions should be attached.

**Landscape Officer (in response to original plans):**

'I have reviewed the three applications seeking the establishment of a new farm complex in the form of a new access road; agricultural building; slurry lagoon; and farm manager's dwelling, on open farmland to the south of Sea. I am aware that this proposal follows lengthy pre-application negotiation, which seeks to relocate the current farm enterprise from within the hamlet, to this application site, to thus resolve both neighbourhood and ownership issues. As a result, the need for a relocation is accepted by Planning. Consequently, whilst this proposal is not located on a site that would ordinarily be favoured from a landscape perspective, this response accepts the principle of development in this general location, and turns its attention to the detail of the proposal.

A Design and Access statement is submitted as part of the application. It acknowledges the potential visual impact of the proposal, and states an intention to manage the existing hedgerow network to improve its screening capability, and to provide a strategic planting scheme. I view this approach as both appropriate and

necessary. However, no landscape plan has been provided indicating either a layout or composition of the planting scheme, and this needs to be remedied. I would advise a landscape strategy plan is submitted in support of these applications before determination – at this stage indicating the location and extent of the strategic planting areas; the hedgerows to be managed, and the method of management; and a broad species mix, along with plant protection details and a basic planting specification.

The D&A statement also refers to the building layout being ‘.. located as close together as possible .. to create a tight grouping..’ to minimise the visual impact of the complex. Again, I agree this to be the right approach, but the intention is not consistent with the arrangement indicated on the proposed site plan, in particular, the proposed farmhouse is poorly located, being roughly central within the field, which immediately exacerbates its potential visibility. A re-siting that better corresponds to the current field pattern and site features, along with an integration with the strategic landscape proposal, will be necessary to reassure us that the D&A statement is consistent with the site proposal, and the landscape impacts are assimilated, and informing site arrangement and site mitigation.

Turning to the detail of the applications;

Application 12/01066 – Farm workers dwelling and access

As noted above, I view this proposal as being poorly sited, contrary to the assertions of the D&A statement. The location indicated by the 6215/08 is too central within the field, making it more visible to long views from both north and south particularly. It is also poorly related to the landscape pattern, and evolving farm plan. In this respect, I view the house proposal as failing to meet LP policy ST6. A better location would be to pull the house to the east/northeast of the mature specimen oak, to gain an improved correspondence with the hedgerow and proposed farm drive, with planting possibly tying back to the hedgerow return, and the curve in the drive to the north, to better integrate the house with its landscape context.

The access drive alignment appears broadly acceptable, though I note mature trees in proximity to the drive circa 50 metres in from the road junction – either the track should be set back an appropriate distance from the trees, to ensure no impact on their root systems, or a tree protection plan is submitted. Additional detail is also required to confirm that the construction of the access drive will not impact upon the root network of the adjacent hedges; and that openings created in the hedge to enable access should be kept to a minimum.

Application 12/01067 – Agricultural building

I have no issue to raise with the general siting of the building, though confirmation of its precise siting in relation to the hedge to the north is needed – the gap between building and hedge implied by the plan suggests that it could be pulled closer to the hedge. In terms of appearance, I would suggest that the profile roof sheeting is muted in tone, to soften its visual impact in mid-distance views, this can be conditioned.

Application 12/01068 – Slurry lagoon

Again, I have no issue to raise with the general siting, though on a detailed matter, it appears too close to the east boundary hedge, with the potential for groundworks to impact upon the root systems of the hedgeline. Confirmation of an appropriate set-back, along with hedge protection measures, should form part of this particular application. The detailed plan also indicates a silage clamp to the south of the lagoon, but there is a contradiction of ground modelled detail between plan and

section, and clarification of the form of retention, and level arrangement along the southern edge, will be appreciated.

Returning to the application as a whole, this response raises a landscape objection to the siting of the house – application 12/01066 - though this is easily remedied by a sympathetic re-siting. Further information is requested of the proposed strategic landscape proposal, along with the more detailed matters raised above. Once that extra information is forthcoming, I would hope to be in a position to make a positive recommendation, with the suggestion of appropriate conditions.'

In response to amended plans:-

'As part of my initial response of 23/04, I requested further landscape detail to be provided, which is required to provide a broad landscape framework for the development of the farmstead, along with amendments to the siting of the farmhouse, and slurry lagoon. Revised plans have now been submitted, which indicate an amended arrangement of the proposed structures, and outline landscape mitigation (drawing 6215-05A). I can confirm that these revisions respond satisfactorily to my earlier concerns, hence I withdraw the earlier holding objection.

I also raised some concerns over the alignment of the proposed access drive - we have now reviewed this on site, and I can confirm that I am content with the proposal.

If you are minded to approve these applications, please condition a detailed planting proposal to be submitted based upon the proposed site plan, prior to commencement of building works on site.'

#### **Environmental Protection:**

'The application is to provide a new farm dwelling associated with other applications for the erection of a building for housing pigs, and a slurry lagoon.

I have no objections to the application however, given the proximity of the dwelling to agricultural buildings I would recommend a condition be attached to tie the use of the dwelling to the associated buildings for housing pigs. The reason for this is to prevent a situation occurring in future whereby the dwelling is sold separately and future residents complain about impact from the nearby agricultural uses.'

No further comments on amended plans.

#### **Area Engineer, Technical Services Department:**

Soakaways to be designed in accordance with BRE Digest 365.

#### **REPRESENTATIONS**

Seven representations have been received in response to the application: two in support with five responses objecting to the development. It was considered important that all representations were included upon each report to ensure that a full picture of residents concerns be considered with each proposal. The supporting responses make the following comments:

- Fully support and endorse this application; a modern farmhouse for the family will be in keeping with other local developments in the area.
- It can only be in everybody's interest that by moving the home and business further back from the present location is in itself a good move.

- New farm building would be acceptable but suggest that it be available for general livestock not just pigs so the unit would be more beneficial in years to come.
- The further the pigs are moved away from the road and houses at Sea the better for everyone.

The NFU have also written in support of the application. They advise that:-

- The business comfortably fulfils both the functional and financial tests of agricultural need as dictated by current planning legislation. Current welfare codes and the applicant's high standards require that the dwelling is situated within site and sound of the livestock.
- A permanent dwelling would improve security for the livestock and farm equipment.
- Bio-security is evermore important and it is a benefit to minimise journeys off the farm by provision of farm accommodation.
- Siting of farm building and house have been carefully considered to minimise the impact on the local environment
- Collection of farm waste is strictly controlled and these plans have ensured that all waste produced on the farm is dealt with in the correct manner.

The objectors make the following comments:

- Pleased that the proposals will lead to the removal of the pigs from Sea but concerned that the applications should be rigorously evaluated and if granted subject to conditions that are enforced to ensure that Best Available Techniques have been applied at every stage in order to minimise nuisances caused by the use.
- It is better that the pigs will now be more than 400m from houses, however draws attention to the recent refusal of planning permission for indoor pig farm of 3500 pigs at Venn Ottery which caused a public outcry.
- Want assurance that the proposed site is as far away as possible from neighbouring properties.
- Particularly concerned about slurry and its handling as this is the primary source of odour nuisance. The Design Statement makes no reference to the application of Best Available Techniques which is the basis of all advice on nuisance prevention and minimisation. Request that independent advice be sought on this issue.
- Concerned that an open slurry lagoon is proposed rather than a covered slurry tank which would significant reduce odour.
- Request confirmation that SSDC will monitor the number of pigs at the site to ensure that they no not exceed 2500 even in the event of permission being granted for additional buildings.
- Request that the removal of the pigs take precedence over the housing development and how this will be enforced in the context of the Abatement Order and the Council's decision not to enforce it pending these developments.
- Request that the decision be taken by elected members rather than by Officers under their delegated powers.
- The development will be an eyesore on the landscape. The barns are illuminated 24/7 during winter.
- In order to alleviate nuisance request that if permission is granted a substantial amount of tall trees are planted on the northern boundary.
- Construction of a new access is a potential health and safety issue in respect of its intended position, width of lane and drainage. The Lane already frequently under water due to infrequent maintenance, request that if permission is granted better maintenance takes place.

- Concerned that reference is made in the application to potential further expansion of the pig building.
- The proposal along with the existing intensive pig unit at Bere Mills Cottage Farm will lead to additional foul odour, mess and noise being experienced by the residents of Bere Mills.
- The proposal will simply transfer an existing nuisance from the residents of Sea to the residents of Bere Mills.
- There is no convincing evidence for a new dwelling.
- Concerned about possible pollution of surrounding waterways.

## **CONSIDERATIONS**

The main planning considerations in this case relate to:-

- 1) The need to properly justify a dwelling in the open countryside;
- 2) The landscape impact of the proposal; and
- 3) Highway safety issues.

### 1) Justification for agricultural workers dwelling

With the introduction of the National Planning Policy Framework (NPPF), the previous guidance in relation to the justification for agricultural workers dwellings set out in Annex A of PPS 7 has been removed. However, the NPPF advises:-

'...Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

the essential need for a rural worker to live permanently at or near their place of work in the countryside; ...'

It is therefore still considered to be fundamental that the 'essential need' for a farmworker's dwelling is proven in order to justify a new dwelling in the open countryside. The previous requirements of PPS7 are considered to provide very useful criteria to test such applications, these were:

- Clearly establish an existing functional need
- The need relates to a full-time worker
- The functional need could not be fulfilled by another existing dwelling on the unit or any other existing accommodation in the area, which is suitable and available for occupation by the workers concerned.
- Other planning requirements e.g. in relation to access, or impact on the countryside, are satisfied
- A financial test to establish that the farming enterprise is economically viable.

In terms of a functional need, it is considered that with the number of pigs involved in this operation current welfare standards require a constant onsite presence. The pigs arrive at a very early age and it is important that constant checks are carried out to ensure any problems are resolved as soon as possible. Such problems can include checking for signs of sickness; ensuring young animals are able to locate food and water; and ensuring an appropriate and modified environment. The calculation of 'Standard Man-day (SMD) Requirement' has established that there is a need for 1.63 labour units on the unit confirming there is clear need for at least one worker on the unit. As such, it is considered that a functional need has been established for an agricultural worker.

With regard to the availability of an existing dwelling, this case is unusual in that the current unit is provided with an agriculturally tied dwelling, however, the applicant could not afford to purchase the whole unit from the County Council. The supporting documentation advises that the affordability of purchasing the entire site has been tested by a series of budgets and in discussions with several lenders and it has not been found to be financially viable. Furthermore, it is clear that the running of an intensive pig farm in such close proximity to residential properties will almost inevitably lead to problems with regard to odour and noise nuisance. As such, in this particular situation, it is felt that the proposed agricultural dwelling can be accepted at the proposed location. This will then enable the entire relocation of the farm holding at least 400m away from all residential properties. It is of note that a 400m “cordon sanitaire” is embodied in Part 6 of the GPDO 1995, this precludes any livestock buildings being erected under ‘permitted development’ if they are within 400m of a residential property.

In terms of the financial test, the agricultural appraisal includes financial information that confirms that the business has been established for at least three years and has been profitable for at least one, with the clear prospect of remaining so, as evidenced by budgets for the proposed system. It is therefore clear that the business is a successful and profitable enterprise, which is well established and the proposal meets all the necessary financial tests.

In terms of the size and design of the dwelling, the application proposes a building of traditional design to include natural stone elevations with double Roman roof tiles. The proposed house is 215m<sup>2</sup>, which, whilst relatively large for a farm dwelling, is clearly required for the applicant and his young family. The dwelling is considered to be commensurate with the proposed size of the unit and whilst at the upper end of what is acceptable for an agricultural dwelling the proposal is considered to be acceptable subject to conditions preventing any further permitted development extensions and a note advising no further enlargement would be considered favourably.

## 2) Landscape Impact

In terms of landscape impact, the proposal will clearly have a visual impact, however, the local landscape is characterised by sporadic development of farms and farm buildings and it is felt that the creation of a further farm unit within this landscape would not be unduly disruptive. In terms of the siting of the proposed dwelling, the amended plans show a revised location (as recommended by the Landscape Officer), this will ensure that the dwelling has a closer relationship with the proposed agricultural buildings and will present a more cohesive pattern within the rural landscape. The Landscape Officer now considers that the application is acceptable in terms of its landscape impact.

## 3) Highway safety issues

With regard to the issue of sustainability, clearly many farms will be in unsustainable locations within the countryside. It has been established that there is a functional need for an agricultural worker on the farm and as such the proven need for is considered to outweigh the transport policies that seek to reduce reliance on the private car.

In terms of the new access to be established onto Bere Mills Lane, 200m to the south of the existing site; it is proposed to form a 10m wide access with the existing hedge re-aligned to provide suitable visibility splays to ensure the safety of vehicles using

the lane and those using the access. The County Highway Authority consider that the application is acceptable subject to conditions regarding consolidation of the access; protection of visibility; disposal of surface water; and protection of parking and turning areas.

#### Other issues

With regard to the comments of the local residents, it is not considered that the erection of this dwelling will have any adverse impacts upon neighbouring amenity.

#### Summary

Overall, it is considered that the submitted documentation has proven that there is both a functional and a financial need for a farmworker on this unit. Furthermore the proposal would not have a significantly detrimental impact on the visual amenity or landscape character of the rural locality.

### **RECOMMENDATION**

Approve.

### **JUSTIFICATION**

The proposal, by reason of its size and scale and proven need, respects the character of the area and satisfied the criteria for agricultural workers dwellings in accordance with the aims and objectives of saved policies STR1, STR6, 5 and 49 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST3, ST5, ST6, EC3 and HG15 of the South Somerset Local Plan 2006 and guidance contained within the NPPF (2012).

### **SUBJECT TO THE FOLLOWING:**

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 6215-06 and 621507 received 29 March 2012; and 6215-08A received 18 May 2012.

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

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

**Reason:** The site is in a rural area, beyond the defined limits of a recognised settlement, where the Local Planning Authority policy is to restrict new residential development to that required to meet the needs of agriculture or forestry further to the aims and objectives of saved policy HG15 of the South Somerset Local Plan 2006.

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

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

5. No development hereby permitted shall be commenced unless details of the material and external finish to be used for all windows, doors, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

6. The development hereby permitted shall not be commenced unless 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.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

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

**Reason:** In the interests of visual amenity and to ensure that the dwelling continues to be of a size commensurate with the agricultural needs of the holding further to the aims and objectives of saved policy HG15 of the South Somerset Local Plan 2006.

8. The proposed access over at least the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.



**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

9. 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. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

10. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

11. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 35m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**Informatives:**

1. The applicant is advised that the Local Planning Authority is unlikely to view favourably any future applications to enlarge the size of this agricultural workers dwelling.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
3. The Area Engineer recommends that soakaways to be designed in accordance with BRE Digest 365.

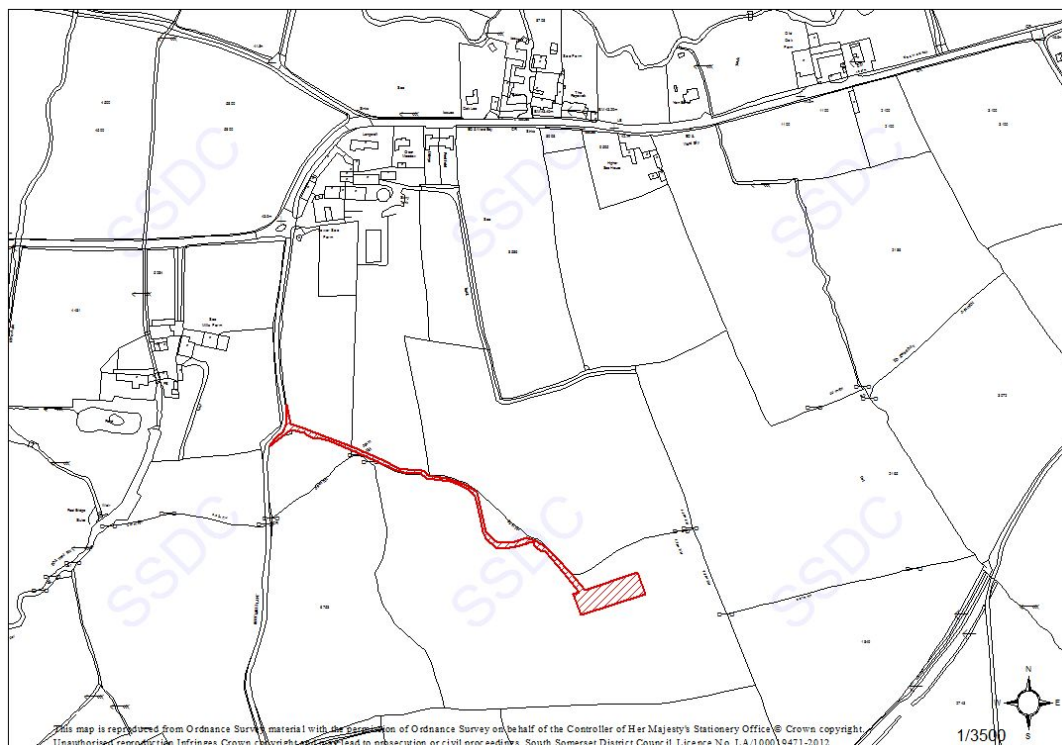
**Officer Report On Planning Application: 12/01067/FUL**

<b>Proposal :</b>	Erection of agricultural building for housing pigs. Construction of hard surfaced service area and access (GR 334943/112543)
<b>Site Address:</b>	Lower Sea Farm Sea Ilminster
<b>Parish:</b>	Donyatt
<b>NEROCHE Ward (SSDC Member)</b>	Ms. L P Vijeh (Cllr)
<b>WINDWHISTLE Ward (SSDC Member)</b>	Mrs. S. Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	28th June 2012
<b>Applicant :</b>	Mr Andrew Grossey
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates LTD Sanderley Studio Kennel Lane, Langport, Somerset, TA10 9SB
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

**REASON FOR REFERRAL TO COMMITTEE**

The application site covers two wards; Neroche and Windwhistle. The Ward Member for Windwhistle has declared a personal and prejudicial interest and so decided not to comment upon the need or otherwise to refer these proposals to the Committee. The Area Chair agrees with the other Ward Member (Neroche) that in view of the considerable local interest in the outcome of the applications they should be considered by the Area West Committee.

**SITE DESCRIPTION AND PROPOSAL**



The application lies 400m to the south-east of the existing farm holding known as 'Lower Sea Farm'. The land is relatively flat and surrounded by agricultural fields. The current farm comprises 72 acres of land and includes a 1970's farm dwelling with a range of older stone barns and agricultural buildings; these are sited close to a number of residential properties that sit alongside the old A3037 including a listed property that may have been the original farmhouse.

The farm was previously a dairy unit but has been run as an intensive pig-rearing unit since 2006/7. The close proximity of the farm to the neighbouring properties has resulted in problems with regard to noise and smell nuisance and this has resulted in the Environmental Protection Team serving an Abatement Order in 2011.

The farm is currently owned by the County Council but is now being sold as part of their ongoing sale of County farms. The supporting documentation and Design Statement advise:-

- The applicant has reached an agreement to purchase 62 acres of land but this does not include the farmhouse and farm buildings.
- The farm was able to accommodate 2,500 pigs but the County Council determined that no pigs should be housed in the buildings adjacent to the residential properties in Lower Sea. The capacity of the farm was therefore reduced to 1,900 pigs.
- The pigs are brought onto site at 3 weeks of age and then reared for 8 weeks before being moved on to a finishing unit. Allowing for cleaning down and resting, the applicant rears 5 batches a year.
- The enterprise has been operated successfully since 2006 and has been the key enterprise for that period.
- Most of the land is cultivated to cereals or forage maize and the crops are sold to a local large scale dairy farmer. The applicant retains the straw crop which is used to bed and provide comfort for the pigs.

This application proposes the erection of an agricultural building for housing pigs with the construction of a hard surfaced area on land 400m to the south-east of the existing farm. The proposed building would be formed from the existing pig building situated to the south-east of the existing farmhouse with a number of additions. The resultant building would be 24m x 42.5m and 6.2 m high, to be constructed in Yorkshire boarding and concrete panels with profile sheeting for the roof. A new farm access would be created from Bere Mills Lane to serve the new holding. The application should be considered in conjunction with two other applications at the same location; one for a new farmhouse (12/01066/FUL) and; one for a new slurry store and silage clamp (12/01068/FUL).

## **HISTORY**

12/00904/EIASS (EIA Screening and Scoping Request)– The erection of an agricultural building to house 2,500 pigs. Determined an EIA was not required 19/3/2012.

12/00279/AGN – Notification of intent to relocate/erect an open sided pig rearing building. Permission not required 21/2/2012.

10/03148/FUL – The erection of an extension to existing agricultural building to house pigs. Withdrawn.

09/04778/EIASS – Screening opinion (Reg 5) new building to house nursery pigs. Determined an EIA was not required 18/12/2009.

07/04801/FUL – The erection of an extension to and use of an existing agricultural building to house pigs, together with a new feed silo and underground slurry tank. Approved 2008.

05/01683/ADV – Siting of three shop signs in boundary hedge. Split decision 2005.

05/01685/AGN – Erection of a steel framed portal building for produce and general storage. Permitted 2005.

04/01780/FUL – Proposed conversion of agricultural store to farm shop. Approved 27/9/2004.

99/02297/FUL – Erection of livestock building. Approved 2000.

35472/C/1 – Erection of farm dwelling. Approved 1970.

35472/C – Proposed new farm dwelling. Approved 1969.

35472/B – Erection of covered yard and dairy unit. Approved 1969.

35472/1 – Erection of loose boxes. Approved 1957.

35472 – Alterations and additions (cowhouse and dairy). Approved 1957.

## **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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 – Sustainable Development

STR6 – Development outside towns, rural centres and villages

5 – Landscape Character

49 – Transport Requirements of New Development

South Somerset Local Plan 2006:

Policies:-

ST3 – Development outside development areas

ST5 – General Principles of Development

ST6 - The Quality of Development

EC3 – Landscape Character

EP2 – Noise and Pollution

EP3 – Light Pollution

EP7 – Potential Odour Generating Developments

National Planning Policy Framework

Chapters:

1. Building a Strong Competitive Economy
3. Supporting a Prosperous Rural Economy
7. Requiring Good Design
11. Conserving and Enhancing the Natural Environment

Sustainable Community Strategy for Somerset 2008-2026

Aim 2: Living Sustainably

Aim 3: Ensuring Economic Wellbeing

## **CONSULTATIONS**

### **Knowle St Giles Parish Council (building is in their Parish):**

'No contrary observations or comments have been received.'

### **Donyatt Parish Council (new access is in their Parish):**

'The Parish Council supports this application subject to:-

- Best Available Techniques have been applied at every stage in order to minimize any nuisance (odour, flies, noise, vermin) to neighbouring properties.
- That independent expert advice has been sought to ensure the development meets Best Available Techniques.

Observation: The Council encourages the use of solar photovoltaic panels on the roof.'

### **County Highway Authority (one response for all three sites):**

'The proposed development site lies outside defined development limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework, Adopted March 2012 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy ST3 of the South Somerset Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that one of the applications is for a farm managers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which out weighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail, it is apparent from the submitted information that the proposal will involve the relocation of the existing agricultural building to the new site. The applicant has stated that it is their intention to extend the existing building in its new location. In terms of movements it is likely that the extended building could potentially generate additional vehicle movements. Although it is unlikely that the additional numbers, when compared to the existing farm traffic levels, would be significant enough to warrant a refusal.

The proposal would also require the formation of a new access onto Bere Mills Lane, which is designated as an un-classified road. In terms of its physical characteristics the lane is single width and has high hedges on either side of the carriageway. There are no passing places although there is a pull in point where the proposed access will be located. The proposed access will be located on the outside of a bend and would see the removal of a section of hedge to improve visibility. The applicant has indicated that splays of 2.4m x 35m can be provided in either direction. Due to the sites remote location the Highway Authority would usually apply Design Manual for Roads and Bridges (DMRB). However due to the nature of the lane, vehicle speeds are below 30mph in addition it should be noted that Manual for Streets design guidance can also be applied on lightly trafficked rural lanes. Therefore the proposed splays can be considered acceptable. Bere Mills Lane serves an additional farm and also some converted barns. As previously stated this proposal is for relocating the existing farm rather than a whole new farm development. Consequently vehicle movements will not change as such the likelihood of two vehicles meeting on the lane will remain unchanged.

It is apparent from the road record that this proposal would require works to be carried out on the highway and also require part of the access to be located on the adopted highway itself. The Highway Authority would require the proposed visibility splay to the south of the access to be given up for adoption. This will allow the proposed visibility splay to be maintained.

In regards to the internal arrangements, the site will be accessed via a purpose built track. The applicant should note that this should be properly consolidated and surfaced over the first 10m. The access would also need to be constructed to appropriate width to be able to allow farm traffic to enter and exit the site with ease. It is noted that two passing places are to be provided. The applicant should note that these passing places should be constructed to accommodate both the larger and smaller farm traffic. In terms of the parking and turning arrangement for the proposed dwelling, the applicant has made provision for two parking spaces. Somerset County Council's Parking Strategy requires that provision is made for three spaces. From the details shown on the submitted plans I am satisfied that suitable space is available to provide the additional space.

In conclusion the site is located in an unsustainable location but it is noted that it is for a farm manager. As a consequence it must be a matter for the Local Planning Authority to weigh up the merits of the proposal against the Highway Authority's sustainability policies. In terms of the detail I am satisfied that sufficient space can be provided to allow three vehicles to park and leave in a forward gear. Having regard to the proposed access arrangements these seem to be acceptable in principle although the applicant will be required to properly consolidate the surface and also offer up the proposed visibility splay to the south so it can be adopted by the Highway Authority. Therefore taking the above into account I raise no objection to this proposal..'

The County Highway Authority advise that if planning permission were to be granted conditions should be attached.

**Landscape Officer (in response to original plans):**

'I have reviewed the three applications seeking the establishment of a new farm complex in the form of a new access road; agricultural building; slurry lagoon; and farm manager's dwelling, on open farmland to the south of Sea. I am aware that this proposal follows lengthy pre-application negotiation, which seeks to relocate the

current farm enterprise from within the hamlet, to this application site, to thus resolve both neighbourhood and ownership issues. As a result, the need for a relocation is accepted by Planning. Consequently, whilst this proposal is not located on a site that would ordinarily be favoured from a landscape perspective, this response accepts the principle of development in this general location, and turns its attention to the detail of the proposal.

A Design and Access statement is submitted as part of the application. It acknowledges the potential visual impact of the proposal, and states an intention to manage the existing hedgerow network to improve its screening capability, and to provide a strategic planting scheme. I view this approach as both appropriate and necessary. However, no landscape plan has been provided indicating either a layout or composition of the planting scheme, and this needs to be remedied. I would advise a landscape strategy plan is submitted in support of these applications before determination – at this stage indicating the location and extent of the strategic planting areas; the hedgerows to be managed, and the method of management; and a broad species mix, along with plant protection details and a basic planting specification.

The D&A statement also refers to the building layout being ‘.. located as close together as possible to create a tight grouping..’ to minimise the visual impact of the complex. Again, I agree this to be the right approach, but the intention is not consistent with the arrangement indicated on the proposed site plan, in particular, the proposed farmhouse is poorly located, being roughly central within the field, which immediately exacerbates its potential visibility. A re-siting that better corresponds to the current field pattern and site features, along with an integration with the strategic landscape proposal, will be necessary to reassure us that the D&A statement is consistent with the site proposal, and the landscape impacts are assimilated, and informing site arrangement and site mitigation.

Turning to the detail of the applications;

#### Application 12/01066 – Farm workers dwelling and access

As noted above, I view this proposal as being poorly sited, contrary to the assertions of the D&A statement. The location indicated by the 6215/08 is too central within the field, making it more visible to long views from both north and south particularly. It is also poorly related to the landscape pattern, and evolving farm plan. In this respect, I view the house proposal as failing to meet LP policy ST6. A better location would be to pull the house to the east/northeast of the mature specimen oak, to gain an improved correspondence with the hedgerow and proposed farm drive, with planting possibly tying back to the hedgerow return, and the curve in the drive to the north, to better integrate the house with its landscape context.

The access drive alignment appears broadly acceptable, though I note mature trees in proximity to the drive circa 50 metres in from the road junction – either the track should be set back an appropriate distance from the trees, to ensure no impact on their root systems, or a tree protection plan is submitted. Additional detail is also required to confirm that the construction of the access drive will not impact upon the root network of the adjacent hedges; and that openings created in the hedge to enable access should be kept to a minimum.

#### Application 12/01067 – Agricultural building

I have no issue to raise with the general siting of the building, though confirmation of its precise siting in relation to the hedge to the north is needed – the gap between building and hedge implied by the plan suggests that it could be pulled closer to the

hedge. In terms of appearance, I would suggest that the profile roof sheeting is muted in tone, to soften its visual impact in mid-distance views, this can be conditioned.

#### Application 12/01068 – Slurry lagoon

Again, I have no issue to raise with the general siting, though on a detailed matter, it appears too close to the east boundary hedge, with the potential for groundworks to impact upon the root systems of the hedgeline. Confirmation of an appropriate set-back, along with hedge protection measures, should form part of this particular application. The detailed plan also indicates a silage clamp to the south of the lagoon, but there is a contradiction of ground modelled detail between plan and section, and clarification of the form of retention, and level arrangement along the southern edge, will be appreciated.

Returning to the application as a whole, this response raises a landscape objection to the siting of the house – application 12/01066 - though this is easily remedied by a sympathetic re-siting. Further information is requested of the proposed strategic landscape proposal, along with the more detailed matters raised above. Once that extra information is forthcoming, I would hope to be in a position to make a positive recommendation, with the suggestion of appropriate conditions.'

In response to amended plans:-

'As part of my initial response of 23/04, I requested further landscape detail to be provided, which is required to provide a broad landscape framework for the development of the farmstead, along with amendments to the siting of the farmhouse, and slurry lagoon. Revised plans have now been submitted, which indicate an amended arrangement of the proposed structures, and outline landscape mitigation (drawing 6215-05A). I can confirm that these revisions respond satisfactorily to my earlier concerns, hence I withdraw the earlier holding objection.

I also raised some concerns over the alignment of the proposed access drive - we have now reviewed this on site, and I can confirm that I am content with the proposal.

If you are minded to approve these applications, please condition a detailed planting proposal to be submitted based upon the proposed site plan, prior to commencement of building works on site.'

#### **Environmental Protection:**

'The application is to relocate and extend an existing building for housing pigs. This department has been involved in the investigation of complaints from the pig farming activities at this farm in its existing location and an abatement notice was served in relation to statutory nuisance caused by the odour. The existing location of some buildings is within metres of adjoining residential property.

The proposed location of the building which is the subject of this application is just over 400m from the nearest residential properties. This distance is significantly greater than that which currently exists and 400m is generally accepted as a guideline for reasonable distance of siting of agricultural buildings from residential in terms of odour control. There is reference to this distance in the Environment Agency EPR sector guidance note 6.09 for intensive farming. It is believed that this physical separation will provide sufficient distance for odours from the unit to be adequately dispersed to such a degree that there will be no impact on amenity of nearby residential properties. In addition good housekeeping and operational practices should significantly reduce any exposure. Such practices cannot be



conditioned but it is important that the design of the building is such to enable good practice to be followed.

In order to ensure that any potential odours are reduced to a minimum therefore, the building should be constructed in accordance with best practice advice. Whilst there is no definitive document for best practice design both the EPR sector guidance note mentioned above and the Environmental Management for Health Pig Production issued by the British Pig Executive in association with the Meat and Livestock Commission and Defra, give useful guidance.

The type of building proposed is a solid floor design which is one of several accepted types. The 2 main factors for the control of odour from these buildings is adequate ventilation and appropriate floor design to allow good drainage. Details of these factors are not included with the application therefore should the application be permitted I would recommend a condition requiring that details of the design of the building are submitted to and approved by the local planning authority prior to any use of the building. Such details should include demonstration of how the ventilation in the building will be achieved and has been calculated, and also details of the floor design.

It is understood that the pigs at this farm will not exceed a weight of 30kg. Therefore there is no requirement to apply for an Environmental Permit from the Environment Agency. Should the weight of pigs exceed 30kg and there be in excess of 2000 pigs on the farm then an Environmental Permit would be required.'

No further comments with regard to amended plans.

#### **Environment Agency:**

'The Environment Agency has no objections to the proposed development but wishes the following informatives and recommendations should be included in the Decision Notice.

The proposed new building has the capacity for more than 2000 production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit which is an activity listed in Schedule 1 of the PPC Regulations. This operation will require Environmental Permit and Environmental Permitting guidance is available on our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Your local Environment Officer (Jane Drew) will be able to assist with the preliminary steps in the application process.

The pig housing design and management must be to the best available technique as detailed in EPR 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2' (chapter 2 and appendices 2 and 3). This guidance note is available on our website.

The site should be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All foul drainage, including foul surface water runoff, should be disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with connection to a watercourse.

All animal waste and contaminated surface water including wash-down water must be taken to a total containment system prior to disposal to land in accordance with the Defra Code of Good Agricultural Practice. This should not be stored closer than

50 metres from a licensed abstraction or private water supply source or less than 10 metres from a watercourse, ditch or water body.

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

Agrochemicals and pesticides should be stored and used in such a manner so that pollution of surface or groundwater cannot occur.'

No further comments in response to amended plans.

**Area Engineer, Technical Services Department:**

No comments.

**REPRESENTATIONS**

Eight representations have been received in response to the original plans: two in support with six responses objecting to the development. It was considered important that all representations were included upon each report to ensure that a full picture of residents concerns be considered with each proposal. The supporting responses make the following comments:

- Fully support and endorse this application; a modern farmhouse for the family will be in keeping with other local developments in the area.
- It can only be in everybody's interest that by moving the home and business further back from the present location is in itself a good move.
- New farm building would be acceptable but suggest that it be available for general livestock not just pigs so the unit would be more beneficial in years to come.
- The further the pigs are moved away from the road and houses at Sea the better for everyone

The NFU have also written in support of the application. They advise that:-

- The business comfortably fulfils both the functional and financial tests of agricultural need as dictated by current planning legislation. Current welfare codes and the applicant's high standards require that the dwelling is situated within site and sound of the livestock.
- A permanent dwelling would improve security for the livestock and farm equipment.
- Bio-security is evermore important and it is a benefit to minimise journeys off the farm by provision of farm accommodation.
- Siting of farm building and house have been carefully considered to minimise the impact on the local environment
- Collection of farm waste is strictly controlled and these plans have ensured that all waste produced on the farm is dealt with in the correct manner.

The objectors make the following comments:

- Pleased that the proposals will lead to the removal of the pigs from Sea but concerned that the applications should be rigorously evaluated and if granted

subject to conditions that are enforced to ensure that Best Available Techniques have been applied at every stage in order to minimise nuisances caused by the use.

- It is better that the pigs will now be more than 400m from houses, however draws attention to the recent refusal of planning permission for indoor pig farm of 3500 pigs at Venn Ottery which caused a public outcry.
- Want assurance that the proposed site is as far away as possible from neighbouring properties.
- Particularly concerned about slurry and its handling as this is the primary source of odour nuisance. The Design Statement makes no reference to the application of Best Available Techniques which is the basis of all advice on nuisance prevention and minimisation. Request that independent advice be sought on this issue.
- Concerned that an open slurry lagoon is proposed rather than a covered slurry tank which would significantly reduce odour.
- Request confirmation that SSDC will monitor the number of pigs at the site to ensure that they do not exceed 2500 even in the event of permission being granted for additional buildings.
- Request that the removal of the pigs take precedence over the housing development and how this will be enforced in the context of the Abatement Order and the Council's decision not to enforce it pending these developments.
- Request that the decision be taken by elected members rather than by Officers under their delegated powers.
- The development will be an eyesore on the landscape. The barns are illuminated 24/7 during winter.
- In order to alleviate nuisance request that if permission is granted a substantial amount of tall trees are planted on the northern boundary.
- Construction of a new access is a potential health and safety issue in respect of its intended position, width of lane and drainage. The Lane is already frequently under water due to infrequent maintenance, request that if permission is granted better maintenance takes place.
- Concerned that reference is made in the application to potential further expansion of the pig building.
- The proposal along with the existing intensive pig unit at Bere Mills Cottage Farm will lead to additional foul odour, mess and noise being experienced by the residents of Bere Mills.
- The proposal will simply transfer an existing nuisance from the residents of Sea to the residents of Bere Mills.
- There is no convincing evidence for a new dwelling.
- Concerned about possible pollution of surrounding waterways.

## **CONSIDERATIONS**

This application proposes the relocation of the existing pig building from its existing location to the south-east of the current farm holding to the new site 400m to the south. This proposal along with the applications for a new farm dwelling (12/01066/FUL) and slurry store and silage clamp will enable the entire relocation of the farm to the new site. Currently, due to the very close proximity of the farm to neighbouring properties there have been significant problems with regard to odour and noise nuisance. The proposed sale of this county farm has enabled the current farmer to consider purchasing the land and relocating the farm to a more remote location.

The key issues are considered to be:-

- 1) Principle
- 2) Residential Amenity
- 3) Landscape Impact
- 4) Highway safety

#### 1) Principle

It is acknowledged that there is a presumption in favour of agricultural development in the countryside. This is recognised in both local plan policies and in the recently released National Planning Policy Framework (NPPF). This case is relatively unusual in that it proposes the relocation of an entire farm, this has come about as a result of the County decision to sell this particular farm and the ongoing problems created by the proximity of the farm to neighbouring residential properties. It is considered that the principle of establishing a new farm unit is supported by both local and national plan policies.

#### 2) Residential amenity

In the first instance, it is important to recognise that this application proposes the relocation of the existing farm to a new location; it does not involve the creation of an additional unit. However, it is clear that there have been significant problems with regard to odour and noise nuisance at the site as a result of the extremely close proximity of the farm buildings to neighbouring residential properties. The planning system acknowledges that intensive farming units within 400m of dwellings have the potential to impact on the amenity of residential neighbours. This is confirmed by Policy EP7 which advises that new units will not be supported within 400m of a dwelling. In this instance this distance criteria is met. It is therefore the case that any residual environmental effects can be substantially mitigated through good design and management. In this case, the Environmental Protection Team have requested that a condition be imposed to ensure that the building is properly designed ventilated with an acceptable floor design to allow for good drainage.

With regard to the comments of the Environment Agency (EA), it is important to understand that there is a regime of Environmental Permits with regard to intensive farm units (depending upon numbers and weight of animals). At the present time there are not sufficient livestock kept at the farm to justify an application for a permit. These permits are issued and enforced by the EA and should the numbers of pigs increase above the limits set by the EA then an application will be required. At the present time the EA has advised that the pig housing design must be to the best available techniques as set out in the relevant guidance. It is important to note that whilst issues with regard to nuisance are important planning considerations it has to be acknowledged that the planning system cannot be used to enforce other legislation. Indeed any condition that sought to do this would not meet the relevant tests for conditions as set out in Circular 11/95. Therefore, it is not appropriate for a planning condition to require best available techniques (as requested by local residents) however we can impose conditions requiring submission of detailing of the building (as requested by the Environmental Protection Team), advice can be sought from the EA when details are submitted. In terms of restricting the number of animals, it is not considered that this would be reasonable and it would not be possible to prepare an enforceable condition. Should additional animals be brought onto site then it is likely that additional requirements will be imposed by the EA.

With regard to the Environmental Impact Assessment Regulations 2011, under Schedule 2 of these regulations a screening opinion (ref. 12/00904/EIASS) was submitted as the proposal relates to an intensive livestock installation where the floorspace exceeds 500m<sup>2</sup>. In this case, it was determined that an Environmental Impact Assessment was not required in this case as:-

- The development is only of local importance
- The site is not within any designated area nor is it particularly vulnerable or sensitive
- The development is not unusually complex and will not have hazardous environmental effects.

### 3) Landscape Impact

In terms of landscape impact, the proposal will clearly have a visual impact, however, the local landscape is characterised by sporadic development of farms and farm buildings and it is felt that the creation of a further farm unit within this landscape would not be unduly disruptive. In terms of the siting of the proposed pig unit, there are mature hedgerows running along the northern boundary and it is intended that these be strengthened with additional tree planting. As such, whilst the building is large it is located within a relatively flat landscape which is characterised by agricultural development and the building will be constructed in atypical materials for this type of structure, as such, it is considered that the building will form an acceptable part of the rural landscape. The Landscape Officer now considers that the application is acceptable in terms of its landscape impact but requests a condition to ensure the colour of the proposed roof sheeting be agreed.

### 4) Highway safety issues

This application proposes a new access to be established onto Bere Mills Lane, 200m to the south of the existing site. It is proposed to form a 10m wide access with the existing hedge re-aligned to provide suitable visibility splays to ensure the safety of vehicles using the lane and those using the access. The County Highway Authority consider that the application is acceptable subject to conditions regarding consolidation of the access; protection of visibility; disposal of surface water; and protection of parking and turning areas.

### Other issues

With regard to the other issues raised by the objectors:-

- In terms of requiring that the pigs be moved prior to the building of the new house, it is considered that as this proposal involves the entire relocation of the farm from the existing County Farm to a new site then it will not be possible to operate over the two pieces of land. Therefore, the pigs will have to be moved as part of the sale and it is understood that if permission is granted the applicant will live in a mobile home whilst undertaking the building works on the house. This would not require planning permission as the applicant will be working on the construction of the house.
- The application documents do refer to the possible expansion of the pig unit, however, it would not be possible to erect any further buildings under permitted development for the next two years. Once the two years have expired then the Agricultural Permitted Development allowances could then be reapplied. However, as mentioned above any increase in pig numbers as outlined by the

Environment Agency would require the submission of an Environment Permit which would then allow the Environment Agency to impose relevant restrictions with regard to the design of the building in order to protect residential amenity.

- Possible pollution of waterways – there are restrictions with regard to this as outlined by the Environment Agency in their letter of 24 April 2012. It will be for the Environment Agency to enforce these requirements. The buildings have been sited in accordance with the advice of the Environment Agency so that they are more than 10m from the field ditch.
- Light pollution – there are a number of rooflights proposed in the new building, and as such it is likely that the building will cause some light pollution in the local area. However, as the building will be located more than 400m from any neighbouring properties it is not considered that this will be unduly intrusive to residential amenity. It is not considered appropriate to impose restrictions upon hours of use as this would be too disruptive to the running of the unit and would unacceptably hinder this rural business.

### Summary

This proposal will allow for the relocation of the existing farm to a new location 400m from any residential property. As such, this will significantly improve the environment for the residents of Lower Sea and will not be so close to the residents of Bere Mills as to cause them unacceptable loss of amenity. The building is of a suitable size and materials and a condition can be imposed to require agreement of the specific design of ventilation and flooring. The relevant environmental bodies have no objections to the application and as such the proposal is recommended for approval.

### **RECOMMENDATION**

Approve.

### **JUSTIFICATION**

The proposed relocation and enlargement of this agricultural building is considered to be justified development in the countryside that will benefit economic activity without adversely impacting upon neighbouring amenity; highway safety; or the rural landscape. The proposal is therefore considered to be in accordance with saved Policies STR1, STR6, 5 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review; saved Policies ST3, ST5, ST6, EC3, EP2, EP3, EP7 and EP9 of the South Somerset District Local Plan and the guidance contained with the NPPF.

### **SUBJECT TO THE FOLLOWING:**

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 6215-01 and 6215-02 received 9 March 2012; and 6215-03A received 18 May 2012.

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

3. The development hereby permitted shall not be commenced unless particulars of the means of ventilation for the building and the floor design have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that appropriate measures are taken with regard to dispersal of odours in accordance with saved policy EP7 of the South Somerset Local Plan 2006.

4. The development hereby permitted shall not be commenced unless particulars of the material (including the provision of samples) to be used for roof has been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

5. The development hereby permitted shall not be commenced unless 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.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

6. The proposed access over at least the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

7. 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. Such

approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

8. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

9. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 35m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**Informatives:**

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. The applicants attention is drawn to the comments of the Environment Agency in their letter of 24 April 2012:-

The Environment Agency has no objections to the proposed development but wishes the following informatives and recommendations should be included in the Decision Notice.

The proposed new building has the capacity for more than 2000 production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit which is an activity listed in Schedule 1 of the PPC Regulations. This operation will require Environmental Permit and Environmental Permitting guidance is available on our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk). Your local Environment Officer (Jane Drew) will be able to assist with the preliminary steps in the application process.

The pig housing design and management must be to the best available technique as detailed in EPR 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2' (chapter 2 and appendices 2 and 3). This guidance note is available on our website.



The site should be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.

All foul drainage, including foul surface water runoff, should be disposed of in such a way as to prevent any discharge to any well, spring or watercourse including dry ditches with connection to a watercourse.

All animal waste and contaminated surface water including wash-down water must be taken to a total containment system prior to disposal to land in accordance with the Defra Code of Good Agricultural Practice. This should not be stored closer than 50 metres from a licensed abstraction or private water supply source or less than 10 metres from a watercourse, ditch or water body.

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

Agrochemicals and pesticides should be stored and used in such a manner so that pollution of surface or groundwater cannot occur.

## Area West Committee – 20th June 2012

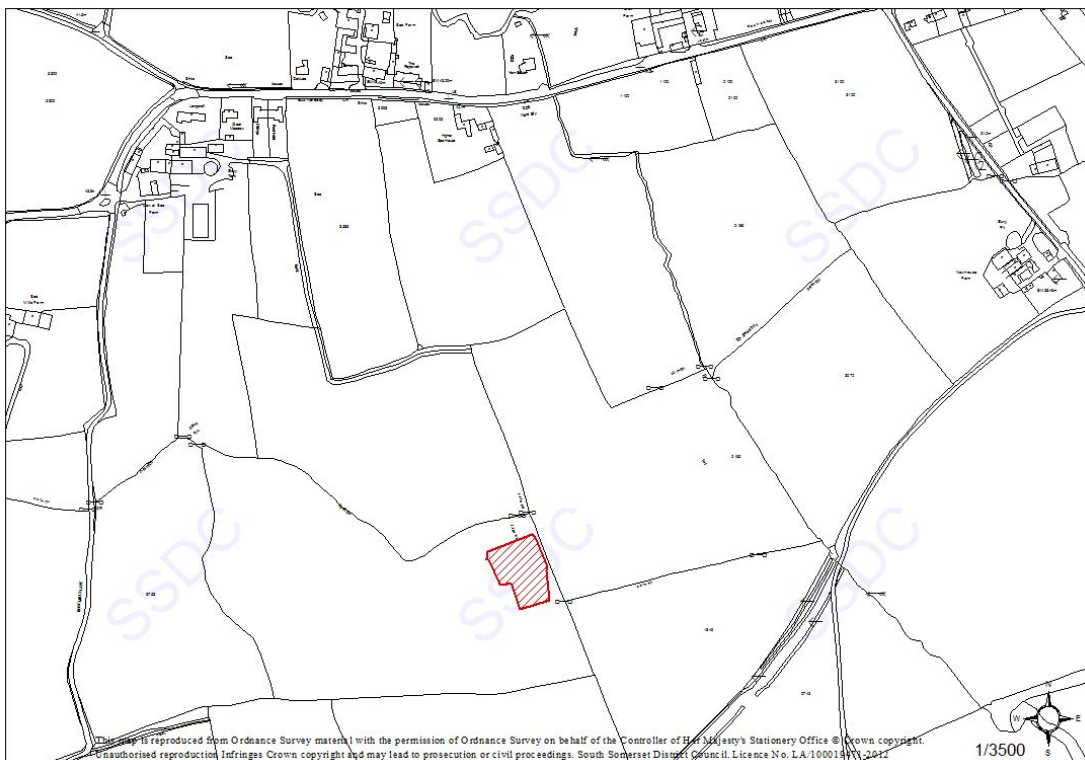
### Officer Report On Planning Application: 12/01068/FUL

<b>Proposal :</b>	Construction of slurry lagoon and silage clamp. (GR 334993/112565)
<b>Site Address:</b>	Lower Sea Farm Sea Ilminster
<b>Parish:</b>	Donyatt
<b>NEROCHE Ward (SSDC Member)</b>	Ms. L P Vijeh (Cllr)
<b>WINDWHISTLE Ward (SSDC Member)</b>	Mrs. S. Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	24th May 2012
<b>Applicant :</b>	Mr Andrew Grossey
<b>Agent: (no agent if blank)</b>	Clive Miller And Associates LTD Sanderley Studio Kennel Lane, Langport, Somerset, TA10 9SB
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application site covers two wards; Neroche and Windwhistle. The Ward Member for Windwhistle has declared a personal and prejudicial interest and so decided not to comment upon the need or otherwise to refer these proposals to the Committee. The Area Chair agrees with the other Ward Member (Neroche) that in view of the considerable local interest in the outcome of the applications they should be considered by the Area West Committee.

### SITE DESCRIPTION AND PROPOSAL



The application lies 400m to the south-east of the existing farm holding known as 'Lower Sea Farm'. The land is relatively flat and surrounded by agricultural fields. The current farm comprises 72 acres of land and includes a 1970's farm dwelling with a range of older stone barns and agricultural buildings; these are sited close to a number of residential properties that sit alongside the old A3037 including a listed property that may have been the original farmhouse.

The farm was previously a dairy unit but has been run as an intensive pig-rearing unit since 2006/7. The close proximity of the farm to the neighbouring properties has resulted in problems with regard to noise and smell nuisance and this has resulted in the Environmental Protection Team serving an Abatement Order in 2011.

The farm is currently owned by the County Council but is now being sold as part of their ongoing sale of County farms. The supporting documentation and Design Statement advise:-

- The applicant has reached an agreement to purchase 62 acres of land but this does not include the farmhouse and farm buildings.
- The farm was able to accommodate 2,500 pigs but the County Council determined that no pigs should be housed in the buildings adjacent to the residential properties in Lower Sea . The capacity of the farm was therefore reduced to 1,900 pigs.
- The pigs are brought onto site at 3 weeks of age and then reared for 8 weeks before being moved on to a finishing unit. Allowing for cleaning down and resting, the applicant rears 5 batches a year.
- The enterprise has been operated successfully since 2006 and has been the key enterprise for that period.
- Most of the land is cultivated to cereals or forage maize and the crops are sold to a local large scale dairy farmer. The applicant retains the straw crop which is used to bed and provide comfort for the pigs.

This application proposes the installation of a slurry lagoon and silage clamp on land 400m to the south-east of the existing farm. The lagoon will be 30m x 40m with raised banks 1.1 metres above the existing ground level, the agents advise that the design and construction are based on the ADAS guidance. The silage clamp would be 23.5m x 32m and cut one metre into the ground. A new farm access would be created from Bere Mills Lane to serve the new holding. The application should be considered in conjunction with two other applications at the same location; one for a new farmhouse (12/01066/FUL) and; one for an agricultural building for housing pigs (12/01068/FUL).

## **HISTORY**

12/00904/EIASS (EIA Screening and Scoping Request) – The erection of an agricultural building to house 2,500 pigs. Determined an EIA was not required 19/3/2012.

12/00279/AGN – Notification of intent to relocate/erect an open sided pig rearing building. Permission not required 21/2/2012.

10/03148/FUL – The erection of an extension to existing agricultural building to house pigs. Withdrawn.

09/04778/EIASS – Screening opinion (Reg 5) new building to house nursery pigs. Determined an EIA was not required 18/12/2009.

07/04801/FUL – The erection of an extension to and use of an existing agricultural building to house pigs, together with a new feed silo and underground slurry tank. Approved 2008.

05/01683/ADV – Siting of three shop signs in boundary hedge. Split decision 2005.

05/01685/AGN – Erection of a steel framed portal building for produce and general storage. Permitted 2005.

04/01780/FUL – Proposed conversion of agricultural store to farm shop. Approved 27/9/2004.

99/02297/FUL – Erection of livestock building. Approved 2000.

35472/C/1 – Erection of farm dwelling. Approved 1970.

35472/C – Proposed new farm dwelling. Approved 1969.

35472/B – Erection of covered yard and dairy unit. Approved 1969.

35472/1 – Erection of loose boxes. Approved 1957.

35472 – Alterations and additions (cowhouse and dairy). Approved 1957.

## **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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 – Sustainable Development

STR6 – Development outside towns, rural centres and villages

5 – Landscape Character

49 – Transport Requirements of New Development

South Somerset Local Plan 2006:

Policies:-

ST3 – Development outside development areas

ST5 – General Principles of Development

ST6 - The Quality of Development

EC3 – Landscape Character

EP7 – Potential Odour Generating Developments

National Planning Policy Framework

Chapters:

1. Building a Strong Competitive Economy

3. Supporting a Prosperous Rural Economy

- 7. Requiring Good Design
- 11. Conserving and Enhancing the Natural Environment

Sustainable Community Strategy for Somerset 2008-2026

Aim 2: Living Sustainably

Aim 3: Ensuring Economic Wellbeing

## **CONSULTATIONS**

### **Knowle St Giles Parish Council (building is in their Parish):**

'No contrary observations or comments have been received.'

### **Donyatt Parish Council (new access is in their Parish):**

'The Parish Council supports this application subject to:-

- Best Available Techniques have been applied at every stage in order to minimize any nuisance (odour, flies, noise, vermin) to neighbouring properties.
- That independent expert advice has been sought to ensure the development meets Best Available Techniques.'

### **County Highway Authority (one response for all three sites):**

'The proposed development site lies outside defined development limits and is therefore distant from adequate services and facilities, such as, education, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the National Planning Policy Framework, Adopted March 2012 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy ST3 of the South Somerset Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that one of the applications is for a farm managers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

In terms of the detail, it is apparent from the submitted information that the proposal will involve the relocation of the existing agricultural building to the new site. The applicant has stated that it is their intention to extend the existing building in its new location. In terms of movements it is likely that the extended building could potentially generate additional vehicle movements. Although it is unlikely that the additional numbers, when compared to the existing farm traffic levels, would be significant enough to warrant a refusal.

The proposal would also require the formation of a new access onto Bere Mills Lane, which is designated as an un-classified road. In terms of its physical characteristics the lane is single width and has high hedges on either side of the carriageway. There are no passing places although there is a pull in point where the proposed access will be located. The proposed access will be located on the outside of a bend and would see the removal of a section of hedge to improve visibility. The applicant has indicated that splays of 2.4m x 35m can be provided in either direction. Due to the

sites remote location the Highway Authority would usually apply Design Manual for Roads and Bridges (DMRB). However due to the nature of the lane, vehicle speeds are below 30mph in addition it should be noted that Manual for Streets design guidance can also be applied on lightly trafficked rural lanes. Therefore the proposed splays can be considered acceptable. Bere Mills Lane serves an additional farm and also some converted barns. As previously stated this proposal is for relocating the existing farm rather than a whole new farm development. Consequently vehicle movements will not change as such the likelihood of two vehicles meeting on the lane will remain unchanged.

It is apparent from the road record that this proposal would require works to be carried out on the highway and also require part of the access to be located on the adopted highway itself. The Highway Authority would require the proposed visibility splay to the south of the access to be given up for adoption. This will allow the proposed visibility splay to be maintained.

In regards to the internal arrangements, the site will be accessed via a purpose built track. The applicant should note that this should be properly consolidated and surfaced over the first 10m. The access would also need to be constructed to appropriate width to be able to allow farm traffic to enter and exit the site with ease. It is noted that two passing places are to be provided. The applicant should note that these passing places should be constructed to accommodate both the larger and smaller farm traffic. In terms of the parking and turning arrangement for the proposed dwelling, the applicant has made provision for two parking spaces. Somerset County Council's Parking Strategy requires that provision is made for three spaces. From the details shown on the submitted plans I am satisfied that suitable space is available to provide the additional space.

In conclusion the site is located in an unsustainable location but it is noted that it is for a farm manager. As a consequence it must be a matter for the Local Planning Authority to weigh up the merits of the proposal against the Highway Authority's sustainability policies. In terms of the detail I am satisfied that sufficient space can be provided to allow three vehicles to park and leave in a forward gear. Having regard to the proposed access arrangements these seem to be acceptable in principle although the applicant will be required to properly consolidate the surface and also offer up the proposed visibility splay to the south so it can be adopted by the Highway Authority. Therefore taking the above into account I raise no objection to this proposal..'

The County Highway Authority advise that if planning permission were to be granted conditions should be attached.

**Landscape Officer (in response to original plans):**

'I have reviewed the three applications seeking the establishment of a new farm complex in the form of a new access road; agricultural building; slurry lagoon; and farm manager's dwelling, on open farmland to the south of Sea. I am aware that this proposal follows lengthy pre-application negotiation, which seeks to relocate the current farm enterprise from within the hamlet, to this application site, to thus resolve both neighbourhood and ownership issues. As a result, the need for a relocation is accepted by Planning. Consequently, whilst this proposal is not located on a site that would ordinarily be favoured from a landscape perspective, this response accepts the principle of development in this general location, and turns its attention to the detail of the proposal.

A Design and Access statement is submitted as part of the application. It acknowledges the potential visual impact of the proposal, and states an intention to manage the existing hedgerow network to improve its screening capability, and to provide a strategic planting scheme. I view this approach as both appropriate and necessary. However, no landscape plan has been provided indicating either a layout or composition of the planting scheme, and this needs to be remedied. I would advise a landscape strategy plan is submitted in support of these applications before determination – at this stage indicating the location and extent of the strategic planting areas; the hedgerows to be managed, and the method of management; and a broad species mix, along with plant protection details and a basic planting specification.

The D&A statement also refers to the building layout being ‘.. located as close together as possible .. to create a tight grouping..’ to minimise the visual impact of the complex. Again, I agree this to be the right approach, but the intention is not consistent with the arrangement indicated on the proposed site plan, in particular, the proposed farmhouse is poorly located, being roughly central within the field, which immediately exacerbates its potential visibility. A re-siting that better corresponds to the current field pattern and site features, along with an integration with the strategic landscape proposal, will be necessary to reassure us that the D&A statement is consistent with the site proposal, and the landscape impacts are assimilated, and informing site arrangement and site mitigation.

Turning to the detail of the applications;

#### Application 12/01066 – Farm workers dwelling and access

As noted above, I view this proposal as being poorly sited, contrary to the assertions of the D&A statement. The location indicated by the 6215/08 is too central within the field, making it more visible to long views from both north and south particularly. It is also poorly related to the landscape pattern, and evolving farm plan. In this respect, I view the house proposal as failing to meet LP policy ST6. A better location would be to pull the house to the east/northeast of the mature specimen oak, to gain an improved correspondence with the hedgerow and proposed farm drive, with planting possibly tying back to the hedgerow return, and the curve in the drive to the north, to better integrate the house with its landscape context.

The access drive alignment appears broadly acceptable, though I note mature trees in proximity to the drive circa 50 metres in from the road junction – either the track should be set back an appropriate distance from the trees, to ensure no impact on their root systems, or a tree protection plan is submitted. Additional detail is also required to confirm that the construction of the access drive will not impact upon the root network of the adjacent hedges; and that openings created in the hedge to enable access should be kept to a minimum.

#### Application 12/01067 – Agricultural building

I have no issue to raise with the general siting of the building, though confirmation of its precise siting in relation to the hedge to the north is needed – the gap between building and hedge implied by the plan suggests that it could be pulled closer to the hedge. In terms of appearance, I would suggest that the profile roof sheeting is muted in tone, to soften its visual impact in mid-distance views, this can be conditioned.

#### Application 12/01068 – Slurry lagoon

Again, I have no issue to raise with the general siting, though on a detailed matter, it appears too close to the east boundary hedge, with the potential for groundworks to

impact upon the root systems of the hedgeline. Confirmation of an appropriate setback, along with hedge protection measures, should form part of this particular application. The detailed plan also indicates a silage clamp to the south of the lagoon, but there is a contradiction of ground modelled detail between plan and section, and clarification of the form of retention, and level arrangement along the southern edge, will be appreciated.

Returning to the application as a whole, this response raises a landscape objection to the siting of the house – application 12/01066 - though this is easily remedied by a sympathetic re-siting. Further information is requested of the proposed strategic landscape proposal, along with the more detailed matters raised above. Once that extra information is forthcoming, I would hope to be in a position to make a positive recommendation, with the suggestion of appropriate conditions.'

In response to amended plans:-

'As part of my initial response of 23/04, I requested further landscape detail to be provided, which is required to provide a broad landscape framework for the development of the farmstead, along with amendments to the siting of the farmhouse, and slurry lagoon. Revised plans have now been submitted, which indicate an amended arrangement of the proposed structures, and outline landscape mitigation (drawing 6215-05A). I can confirm that these revisions respond satisfactorily to my earlier concerns, hence I withdraw the earlier holding objection.

I also raised some concerns over the alignment of the proposed access drive - we have now reviewed this on site, and I can confirm that I am content with the proposal.

If you are minded to approve these applications, please condition a detailed planting proposal to be submitted based upon the proposed site plan, prior to commencement of building works on site.'

### **Environmental Protection:**

'The Environmental Health Department have been involved in the investigation of odour complaints from the existing pig farming activities at Lower Sea Farm. An abatement notice was served in relation to statutory nuisance caused by the odour. These existing activities are within a few metres of the boundary of nearby residential properties.

The proposed location of the slurry lagoon, and other buildings in associated applications, is just over 400m from the nearest residential properties. This distance is significantly greater than that which currently exists and 400m is generally accepted as a guideline for reasonable distance of siting of agricultural buildings from residential in terms of odour control. There is reference to this distance in the Environment Agency EPR sector guidance note 6.09 for intensive farming. It is believed that this physical separation will provide sufficient distance for odours from the unit to be adequately dispersed to such a degree that there will be no impact on amenity of nearby residential properties.

The type of lagoon proposed is an earth banked slurry lagoon. This is an accepted design of slurry facility and is commonly used in both pig and cattle farming. Discussion with experts in the field of pig farming lead us to believe that a crust will form on the lagoon and this will act as a natural seal to help contain odours. Whilst the surface area is greater than that of the existing tank, the formation of the crust will help reduce fugitive emissions. In addition the airflow at ground level is generally less than that at the height of an above ground tank again reducing odour pickup. I



am also advised that slurry lagoons are considered to be safer than slurry tanks, last longer and use natural materials.

I therefore have no objection to this application but the applicant should be advised that the construction must be accordance with The Water Resources (Control of Pollution)(Silage, Slurry and Agricultural Fuel Oil)(England) Regulations 2010. The applicant is advised to discuss these requirements with the Environment Agency.'

No further comments with regard to amended plans.

**Environment Agency:**

'The Environment Agency has no objections to the proposed development but wishes the following informatives and recommendations are included in the Decision Notice.

The proposed slurry lagoon is required as part of the proposed activity, a pig unit of over 2000 pig places for production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit.

If this is a permitted activity the slurry storage infrastructure and design must comply with EPR 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2, January 2010' (chapter 3).

The main points to consider are that the storage must conform to the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997) and the store must be covered.

If an Environment Permit is required, then new earth banked lagoons should not be constructed unless an effective covering method can be demonstrated.

On the plans submitted there is also a silage clamp, which must also comply with the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997).

A series of fact sheets and forms relating to SSAFO Regulations can be downloaded from our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further information on the design, construction and good practice of Silage and Slurry stores can be found on the Business Link website [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over any relevant storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The applicant is advised that staff from this Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The subsequent disposal of collected wastes must be undertaken in accordance with the Defra Code of Good Agricultural Practice for the Protection of Water. '

In response to the amended plans the Agency has commented:-

'The Environment Agency comments made to the Local Planning Authority under separate cover dated 24 April 2012 remain relevant. However, in addition it should be noted that:

The proposed silage clamp and slurry lagoon will have to conform to the requirements in Schedule 2 of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. These Regulations apply whether the operation requires a permit or not.

An Environmental Permit will be required for installations with more than 2000 places for production pigs (over 30kg).'

**Area Engineer, Technical Services Department:**

No comments.

**REPRESENTATIONS**

Eight representations have been received in response to the original plans for this application: one in support, two representations with six responses objecting to this application. It was considered important that all representations were included upon each report to ensure that a full picture of residents concerns be considered with each proposal. The supporting responses make the following comments:

- Fully support and endorse this application; a modern farmhouse for the family will be in keeping with other local developments in the area.
- It can only be in everybody's interest that by moving the home and business further back from the present location is in itself a good move.
- New farm building would be acceptable but suggest that it be available for general livestock not just pigs so the unit would be more beneficial in years to come.
- The further the pigs are moved away from the road and houses at Sea the better for everyone

The NFU have also written in support of the application. They advise that:-

- The business comfortably fulfils both the functional and financial tests of agricultural need as dictated by current planning legislation. Current welfare codes and the applicant's high standards require that the dwelling is situated within site and sound of the livestock.
- A permanent dwelling would improve security for the livestock and farm equipment.
- Bio-security is evermore important and it is a benefit to minimise journeys off the farm by provision of farm accommodation.
- Siting of farm building and house have been carefully considered to minimise the impact on the local environment
- Collection of farm waste is strictly controlled and these plans have ensured that all waste produced on the farm is dealt with in the correct manner.

The objectors make the following comments:

- Pleased that the proposals will lead to the removal of the pigs from Sea but concerned that the applications should be rigorously evaluated and if granted subject to conditions that are enforced to ensure that Best Available

Techniques have been applied at every stage in order to minimise nuisances caused by the use.

- It is better that the pigs will now be more than 400m from houses, however draws attention to the recent refusal of planning permission for indoor pig farm of 3500 pigs at Venn Ottery which caused a public outcry.
- Want assurance that the proposed site is as far away as possible from neighbouring properties.
- Particularly concerned about slurry and its handling as this is the primary source of odour nuisance. The Design Statement makes no reference to the application of Best Available Techniques which is the basis of all advice on nuisance prevention and minimisation. Request that independent advice be sought on this issue.
- Concerned that an open slurry lagoon is proposed rather than a covered slurry tank which would significantly reduce odour.
- Request confirmation that SSSC will monitor the number of pigs at the site to ensure that they do not exceed 2500 even in the event of permission being granted for additional buildings.
- Request that the removal of the pigs take precedence over the housing development and how this will be enforced in the context of the Abatement Order and the Council's decision not to enforce it pending these developments.
- Request that the decision be taken by elected members rather than by Officers under their delegated powers.
- The development will be an eyesore on the landscape. The barns are illuminated 24/7 during winter.
- In order to alleviate nuisance request that if permission is granted a substantial amount of tall trees are planted on the northern boundary.
- Construction of a new access is a potential health and safety issue in respect of its intended position, width of lane and drainage. The Lane is already frequently under water due to infrequent maintenance, request that if permission is granted better maintenance takes place.
- Concerned that reference is made in the application to potential further expansion of the pig building.
- The proposal along with the existing intensive pig unit at Bere Mills Cottage Farm will lead to additional foul odour, mess and noise being experienced by the residents of Bere Mills.
- The proposal will simply transfer an existing nuisance from the residents of Sea to the residents of Bere Mills.
- There is no convincing evidence for a new dwelling.
- Concerned about possible pollution of surrounding waterways.

## **CONSIDERATIONS**

This application proposes the installation of a slurry lagoon and silage clamp on land 400m to the south-east of the existing farm. This proposal along with the applications for a new farm dwelling (12/01066/FUL) and agricultural building for housing pigs will enable the entire relocation of the farm to the new site. Currently, due to the very close proximity of the farm to neighbouring properties there have been significant problems with regard to odour and noise nuisance. The proposed sale of this county farm has enabled the current farmer to consider purchasing the land and relocating the farm to a more remote location.

The key issues are considered to be:-

- 1) Principle
- 2) Residential Amenity
- 3) Landscape Impact
- 4) Highway safety

#### 1) Principle

It is acknowledged that there is a presumption in favour of agricultural development in the countryside. This is recognised in both local plan policies and in the recently released National Planning Policy Framework (NPPF). This case is relatively unusual in that it proposes the relocation of an entire farm, this has come about as a result of the County decision to sell this particular farm and the ongoing problems created by the proximity of the farm to neighbouring residential properties. It is considered that the principle of establishing a new farm unit is supported by both local and national plan policies.

#### 2) Residential amenity

In the first instance, it is important to recognise that this application proposes the relocation of the existing farm to a new location; it does not involve the creation of an additional unit. However, it is clear that there have been significant problems with regard to odour and noise nuisance at the site as a result of the extremely close proximity of the farm buildings to neighbouring residential properties. The planning system acknowledges that intensive farming units within 400m of dwellings have the potential to impact on the amenity of residential neighbours. This is confirmed by Policy EP7 which advises that new units will not be supported within 400m of a dwelling. In this instance this distance criteria is met and neither the Environmental Protection Team nor the Environment Agency object to the proposed slurry store.

With regard to the comments of the Environment Agency (EA), it is important to understand that there is a regime of Environmental Permits with regard to intensive farm units (depending upon numbers and weight of animals). At the present time there are not sufficient livestock kept at the farm to justify an application for a permit. These permits are issued and enforced by the EA and should the numbers of pigs increase above the limits set by the EA then a permit application will be required. At the present time the EA has advised that the slurry lagoon must comply with the relevant 2010 regulations but this does not require that the lagoon be covered. The covering of the lagoon would only be necessary if the number of pigs over 30kg exceeds 2000. It is important to note that whilst issues with regard to nuisance are important planning considerations it has to be acknowledged that the planning system cannot be used to enforce other legislation. Indeed any condition that sought to do this would not meet the relevant tests for conditions as set out in Circular 11/95. Therefore, it is not appropriate for a planning condition to require best available techniques (as request by local residents) however the slurry store will be regulated by the Environment Agency along with control of pollution.

#### 3) Landscape Impact

In terms of landscape impact it is considered that the development will not have any significant adverse effects. The earth banks will only be one metre above existing ground levels and with the additional landscaping that is proposed the development will be well screened. Whilst the slurry store and clamp form part of the relocation of the farm, the local landscape is characterised by sporadic development of farms and

farm buildings and it is felt that the creation of a further farm unit within this landscape would not be unduly disruptive. The Landscape Officer now considers that the application is acceptable in terms of its landscape impact but requests a condition to ensure the colour of the proposed roof sheeting be agreed.

#### 4) Highway safety issues

This application proposes a new access to be established onto Bere Mills Lane, 200m to the south of the existing site. It is proposed to form a 10m wide access with the existing hedge re-aligned to provide suitable visibility splays to ensure the safety of vehicles using the lane and those using the access. The County Highway Authority consider that the application is acceptable subject to conditions regarding consolidation of the access; protection of visibility; disposal of surface water; and protection of parking and turning areas.

#### Other issues

With regard to the other issues raised by the objectors:-

- Possible pollution of waterways – there are restrictions with regard to this as outlined by the Environment Agency in their letter of 24 April 2012. It will be for the Environment Agency to enforce these requirements. The store and clamp have been sited in accordance with the advice of the Environment Agency so that they are more than 10m from the field ditch.

#### Summary

Slurry lagoons are a necessary and important part of farmyard management in the interests of environmental protection. The parallel application for a new pig building and farmhouse on the site has been recommended for approval, and it would not be workable without the lagoon. The proposal is considered to be fully justified in terms of countryside policy. Its impact upon the setting and landscape are not considered harmful; the potential impact on residential amenity has been fully assessed, and is likewise not considered to be reason for refusal of the application. The proposal is considered to accord with relevant policy as set out above, and is accordingly recommended for approval.

#### **RECOMMENDATION**

Approve.

#### **JUSTIFICATION**

The proposal, by reason of its siting, design and layout, respects the character and appearance of the area, and causes no demonstrable harm to residential amenity, highway safety or the environment, in accordance with the aims and objectives of Policies ST3, ST6, EC3, EP2 and EP7 of the South Somerset Local Plan, 2006 and the guidance contained within the NPPF.

#### **SUBJECT TO THE FOLLOWING:**

1. 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 6215-04 received 9 March 2012; and 6215-05A received 18 May 2012.

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

3. The development hereby permitted shall not be commenced unless 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.

**Reason:** In the interests of visual amenity, in accordance with policy STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

4. The proposed access over at least the first 10m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

5. 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. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

6. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

7. There shall be no obstruction to visibility greater than 900mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 35m either side of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

**Reason:** In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

**Informatives:**

1. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. The applicants attention is drawn to the comments of the Environment Agency in their letters of 24 April and 31 May 2012:-

The proposed slurry lagoon is required as part of the proposed activity, a pig unit of over 2000 pig places for production pigs. If the pigs are over 30kg there will be a requirement for an Environment Permit.

If this is a permitted activity the slurry storage infrastructure and design must comply with EPA 6.09 Sector Guidance Note 'How to comply with your environmental permit for intensive farming version 2, January 2010' (chapter 3).

The main points to consider are that the storage must conform to the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997) and the store must be covered.

If an Environment Permit is required, then new earth banked lagoons should not be constructed unless an effective covering method can be demonstrated.

On the plans submitted there is also a silage clamp, which must also comply with the technical measures detailed in the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (amended 1997).

A series of fact sheets and forms relating to SSAFO Regulations can be downloaded from our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further information on the design, construction and good practice of Silage and Slurry stores can be found on the Business Link website [www.businesslink.gov.uk](http://www.businesslink.gov.uk).

Under the terms of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oils) Regulations 1991, the person who proposes to have control over any relevant

storage installation is required to serve notice on the Agency specifying the type of structure to be used and its location at least 14 days before it is to be used for the keeping or storing of any relevant substance.

The applicant is advised that staff from this Agency are prepared to visit the site to assist in resolving any problems that may arise at the design stage.

The subsequent disposal of collected wastes must be undertaken in accordance with the Defra Code of Good Agricultural Practice for the Protection of Water.'

'The Environment Agency comments made to the Local Planning Authority under separate cover dated 24 April 2012 remain relevant. However, in addition it should be noted that:

The proposed silage clamp and slurry lagoon will have to conform to the requirements in Schedule 2 of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. These Regulations apply whether the operation requires a permit or not.

An Environmental Permit will be required for installations with more than 2000 places for production pigs (over 30kg).'