

# South Somerset District Council

## Notice of Meeting



## You are requested to attend **Area West Committee**

*Making a difference where it counts*

## Wednesday 19<sup>th</sup> September 2012

### 5.30 pm

**Tatworth Memorial Hall  
Kents Road  
South Chard  
Somerset TA20 2QA**

(See location plan overleaf)

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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, Jo Morris on Yeovil (01935) 462462  
email: [jo.morris@southsomerset.gov.uk](mailto:jo.morris@southsomerset.gov.uk)

This Agenda was issued on Monday, 10<sup>th</sup> September 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

## 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.

### Highways

A representative from the Area Highways Office will attend the Committee quarterly in February, May, August and November. They will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

## **Members Questions on Reports prior to the Meeting**

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

## **Information for the Public**

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 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 Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

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

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a

member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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# Area West Committee

## Wednesday 19<sup>th</sup> September 2012

### Agenda

#### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meeting held on 15<sup>th</sup> August 2012**
2. **Apologies for Absence**
3. **Declarations of Interest**

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

#### *Planning Applications Referred to the Regulation Committee*

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

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

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**

*Items for Discussion* *Page Number*

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<b>7. Request for Community Grants (Executive Decision).....</b>	<b>5</b>
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**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.**

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## **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:* Jo Morris, Committee Administrator, Legal & Democratic Services  
*Contact Details:* jo.morris@southsomerset.gov.uk or (01935) 462055

### **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 and 4;
- (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.

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## 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; Jo Morris, 01935 462055 or e-mail jo.morris@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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
17 <sup>th</sup> 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
17 <sup>th</sup> October 2012	Blackdown Hills AONB Partnership	Report on progress	Zoe Harris, Community Regeneration Officer
17 <sup>th</sup> October 2012	Crewkerne Leisure Management (Aqua Centre)	Reports from Members on Outside Organisations	Cllr Angie Singleton
17 <sup>th</sup> October 2012	Ile Youth Centre Management Committee (Ilminster)	Reports from Members on Outside Organisations	Cllr Kim Turner
17 <sup>th</sup> October 2012	Ilminster Forum	Reports from Members on Outside Organisations	Cllr Carol Goodall
21 <sup>st</sup> 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)
21 <sup>st</sup> November 2012	Meeting House Arts Centre, Ilminster	Reports from Members on Outside Organisations	Cllr Carol Goodall Cllr Sue Osborne
21 <sup>st</sup> November 2012	Stop Line Way Steering Group	Reports from Members on Outside Organisations	Cllr Andrew Turpin

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
21 <sup>st</sup> 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
19 <sup>th</sup> December 2012	Crewkerne Heritage Centre	Reports from Members on Outside Organisations	Cllr John Dyke
19 <sup>th</sup> December 2012	West One Youth and Community Centre (Crewkerne)	Reports from Members on Outside Organisations	Cllr Angie Singleton
19 <sup>th</sup> December 2012	A Better Crewkerne & District (ABCD)	Reports from Members on Outside Organisations	Cllr Mike Best
16 <sup>th</sup> January 2013	Historic Buildings at Risk	Update report.	Adron Duckworth, Conservation Manager
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>Chard Regeneration Scheme</i>	<i>Report on progress</i>	<i>Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager David Norris, Development Manager</i>
<i>To be confirmed</i>	<i>Chard and District Museum Society</i>	<i>Reports from Members on Outside Organisations</i>	<i>Deferred</i>
<i>To be confirmed</i>	<i>Asset Management Strategy</i>	<i>To discuss with members the principles of the SSDC Asset Management Strategy including asset transfer and the checklist now available for use.</i>	<i>Donna Parham, Assistant Director (Finance and Corporate Services) Andrew Gillespie, Area Development Manager (West)</i>

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
<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>As necessary</i>	<i>Crewkerne Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>
<i>As necessary</i>	<i>Iminster Community Planning Update</i>	<i>For Information</i>	<i>Zoë Harris, Community Regeneration Officer Area Development (West)</i>

Area West Committee – 19<sup>th</sup> September 2012

**7. Request for Community Grants (Executive Decision)**

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter / Kim Close (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Paul Philpott, Community Development Officer and  
 Zoe Harris, Community Regeneration Officer  
*Contact Details:* paul.philpott@southsomerset.gov.uk or (01460) 260359  
 zoe.harris@southsomerset.gov.uk or (01460) 260423

**Purpose of the Report**

To consider three applications for financial assistance. Chaffcombe Village Hall and Clapton and Wayford Village Hall both require structural repairs. Chard Methodist Church are seeking to replace the kitchen in their church hall.

**Public Interest**

Chaffcombe Village Hall Committee and Clapton and Wayford Village Hall Committee have applied for financial assistance towards the structural repairs of their Buildings. Chard Methodist Church have applied for financial assistance to replace an outdated kitchen in their church hall.

**Recommendation**

That members approve the following three grants:

<b>Applicant</b>	<b>Project</b>	<b>Grant requested</b>
<b>Chaffcombe Village Hall</b>	Repairs and replacement of windows and door. Re- pointing of two walls to rear storage shed	£1,390
<b>Clapton and Wayford Village Hall</b>	Replacement of leaking flat roof. Replace entrance doors upgrading foyer and inner doors.	£6,000
<b>Chard Methodist Church Hall</b>	Replacement of an outdated kitchen	£3,659

**Chaffcombe Village Hall**

**Background**

Chaffcombe is a small rural parish of approximately 80 houses and 250 residents. The village hall has been in use since 1961. The building itself was originally the village school dating back to 1879.

The hall provides an active and enthusiastic hub for clubs and entertainments to the residents of both Chaffcombe and the surrounding villages of Knowle St Giles, Cricket Malherbie and Lydmarsh, who lack village halls of their own.

The groups who currently use the hall include:

- The Arts Group
- The Disabled Arts Group
- The Singing Group
- The Yoga Group
- The Social Coffee Mornings Group

Additional events are organised throughout the year including Concerts, Whist Drives and the Harvest supper.

The hall has suffered wear and tear over the years to external windows and a door. Three of the wooden windows can be repaired and a further three plus the kitchen door now need to be replaced. There is also an amount of re-pointing required to two walls of the rear storage shed. The building works will improve the insulation of the building and make it more energy efficient.

**Project Description**

This grant request will help finance the following essential work to the building.

- Repairs to three wooden windows located at the rear of the main hall.
- Replacement of three metal framed windows and the kitchen door with three PVC windows and a PVC door.
- Re-pointing two walls of the rear storage shed.

**Project costs**

Quotes have been obtained and the total cost for this project is £2,779.63.

Table 1:

Repairs to three wooden windows	£693.63
Replacement of three metal framed windows and the kitchen door	£1,686.00
Re-pointing of two wall of rear storage area	£400.00
<b>Total Project Cost</b>	<b>£2,779.63</b>

**Funding**

The total cost for this project is £2,799.63. The village hall committee have raised £1,239.63 and have secured an additional £150 from the Parish Council. The Committee are now seeking a grant of £1,390 from SSDC to meet the total project cost.

Table 1:

<b>Funding Source</b>		
Own Funds	£1,239.63	Secured
Parish Council	£150.00	Secured
SSDC	£1,390.00	Pending
<b>Total Project Cost</b>		<b>£2,779.63</b>

**Assessment**

Table 3

<b>Category</b>	<b>Score</b>	<b>Maximum score</b>
Eligibility	Y	
Target Groups	5	7
Project	4	5
Capacity of Organisation	12	15
Financial need	4	7
Innovation	1	3
<b>TOTAL</b>	<b>26</b>	<b>37</b>

The Community Development Officer has assessed the application and the project has reached an overall score of 26 as outlined in the table above. This application exceeds the minimum score required for funding to be considered.

**Recommendation**

The Community Development Officer recommends that the grant be awarded in full.

**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)**

The works will improve the insulation of the building and make it more energy efficient

**Equality and Diversity Implications**

Disabled access and disabled toilet facilities are provided in the hall.

**Clapton and Wayford Village Hall**

The village hall was built in 1961 and is now the only community facility in the village since the closure of the pub, shop and café in the mill. The hall is located in the centre of the village, has a large car park, a kitchen, one large hall and a smaller meeting area.

The Hall is a well used facility; regular activities include a monthly luncheon club, a weekly yoga class, the Clapton & Wayford Film Society, knit & natter, short mat bowls and an arts club. In addition the hall is regularly used for events that give villagers the opportunity to meet and socialise with activities like coffee mornings, bingo, plant and jumble sales and quiz nights. Take Art, the charity that arranges arts events in rural communities across Somerset, regularly books the village hall as a venue for music, poetry and art events.

**Project and grant request**

The grant request is to help finance essential building works to the foyer area of the building, which also houses the ladies toilets. There are four improvements that are

needed to this part of the building which would make a significant difference to the halls long term viability.

**1) Replace the old flat roof with a pitch roof**

This part of the building has a flat roof, which despite numerous repairs over the years, regularly lets in rain over the ladies toilets. When the roof leaks and causes flooding it puts out of action one of the two cubicles in the ladies toilets. The current flat roof also means there is no opportunity to insulate the entrance area which makes the foyer cold and damp. A new pitch roof will stop the raining getting in and allow that part of the building to be fully insulated which will improve the energy efficiency of the building, make the foyer feel warmer and ensure the ladies toilets are dry and useable.

**2) Replace entrance doors and their frames**

The wooden double doors leading from the car park into the entrance area are now rotten. The poor state of the doors and their frames adds to the cold draughty feel of the foyer. The committee would like to replace the doors with PVC double glazed units. These new entrance doors will improve the insulation of the foyer area and the energy efficiency of the whole building.

**3) Upgrade the foyer**

The building works to the foyer give the Committee the opportunity to upgrade the appearance of the foyer, improve the lighting and generally make the area far more welcoming to people as they enter the building. This is very important as it is this area that creates the first impression to anyone entering the building who is thinking of hiring the hall. A warm and welcoming foyer as opposed to a cold, damp and draughty one will create a positive impact.

**4) Replace inner doors**

The internal doors leading from the foyer into the main hall are old with a single glazed pane, which is situated at a level too high for wheelchair users to see through. The Committee would like to replace the old doors with new doors that have a low toughened glass pane, which would make it a lot easier for wheelchair users to use. As the Hall runs a very popular luncheon club they do receive regular comments from wheelchair users and their carers about the difficulty of using the current doors.

Planning permission to carry out these works was approved in August 2012 (application 12/02291/FUL).

**Costs**

The total cost of the works is £13,800 inclusive of VAT. These costs include the labour and materials to replace and insulate the roof, provide new doors, make good the plasterboard in the ladies toilets and refurbish the foyer area.

**Funds**

Clapton & Wayford Village Hall Committee have already secured £1,800 towards this project and have recently submitted an application for £6000 to Awards for All.

<b>Funding Source</b>	<b>Amount</b>	<b>Status</b>
Own funds	£1,300	Confirmed
Parish Council	£500	Confirmed
Awards for All	£6,000	Awaiting a decision
SSDC	£6,000	
<b>Total</b>	<b>£13,800</b>	

The Community Regeneration Officer has assessed this application and the project has received the following score:

<b>Category</b>	<b>Score</b>	<b>Maximum</b>
Target Groups	5	7
Project	5	5
Capacity of Organisation	13	15
Financial need	4	7
Innovation	2	3
<b>Total</b>	<b>29</b>	<b>37</b>

**Recommendation**

The Community Regeneration Officer recommends that the grant be awarded in full.

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

The building works will improve the insulation of the building which will make it more energy efficient and should mean a decrease in the amount of energy required to keep the village hall warm.

**Equality and Diversity Implications**

The new external and internal doors will be much easier to negotiate for wheelchair users and parents with pushchairs.

**Chard Methodist Church Hall**

**Background**

The Methodist Church was built in Chard in 1874. The church hall has for many years been used by a wide variety of community groups in the town.

At present these include:

- The Boys brigade
- The Girls Brigade
- Pre school groups
- Toddlers groups
- Senior Youth club
- Junior Youth club
- Wednesday digest club (invited speakers on various subjects)
- Blind club
- The knitting circle

Coffee mornings and monthly community lunches are held and have proved popular. The hall is also hired for events and private functions.



The hall kitchen now needs to be replaced to meet the latest health and safety and hygiene regulations. A new kitchen will address concerns raised by hirers at the condition of the present facilities and will lead to an increase in bookings.

**Project Description**

This grant request will help finance the following works to the hall kitchen:

- Installation of new kitchen units.
- Replacement of the kitchen flooring.
- Installation of a new commercial dishwasher.
- Installation of a hot cupboard.

**Project costs**

Quotes have been obtained and the total cost for this project is £8,409.

Table 1:

Kitchen units (including fitting)	£5,700
Commercial Dishwasher	£1,308
Flooring	£456
Hot Cupboard	£945
<b>Total Project Cost</b>	<b>£8,409</b>

**Funding**

The total cost for this project is £8,409. Chard Methodist Church have raised £3,750 and have submitted a grant application to Chard Town Council for a further £1,000. The Church are now seeking a grant of £3,659 from SSDC to meet the total project cost.

Table 1:

<b>Funding Source</b>		
Own Funds	£3,750	Secured
Town Council	£1,000	Pending
SSDC	£3,659	Pending
<b>Total Project Cost</b>		<b>£8,409</b>

**Assessment**

Table 3

<b>Category</b>	<b>Score</b>	<b>Maximum score</b>
Eligibility	Y	
Target Groups	6	7
Project	4	5
Capacity of Organisation	12	15
Financial need	4	7
Innovation	1	3
<b>TOTAL</b>	<b>27</b>	<b>37</b>

The Community Development Officer has assessed the application and the project has reached an overall score of 27 as outlined in the table above. This application exceeds the minimum score required for funding to be considered.

**Recommendation**

The Community Development Officer recommends that the grant be awarded in full, subject to approval of the grant application at present with the Town Council.

**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)**

Use of the church hall may reduce car journeys to attend clubs and events elsewhere.

**Equality and Diversity Implications**

The hall provides disabled access and disabled toilets. A hearing loop facility is also available.

**Financial Implications**

The Community Grant Scheme budget is £107,000. To date £66,746 of grant funding has been approved. This leaves a remaining budget of £40,254. The three grants requested in this report total £11,049 which can be funded from this budget.

**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*  
*AW Committee March 2011 Capital Grants*

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Area West Committee – 19<sup>th</sup> September 2012

## 8. Management of Chard Market (Executive Decision)

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter / Kim Close (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Zoë Harris, Community Regeneration Officer  
*Contact Details:* zoe.harris@southsomerset.gov.uk or 01460 260423

### Purpose of the Report

To approve new arrangements for the management of Chard Market.

### Public Interest

As of Saturday 29th September 2012, Chard Town Council have agreed that they can take responsibility for the management of the Saturday Market in Chard.

### Recommendation

It is recommended that Chard Town Council be granted a licence to operate Chard Market from Saturday 29th September 2012.

### Background

In November 2010 Area West Committee supported the setting up of the Markets Improvement Group with the remit to reinvigorate the SSDC markets in Area West and help create a vibrant market town atmosphere.

Since then a number of recommendations have been agreed by Area West Committee that will help to fulfil this ambition. This report recommends a further improvement to the management of Chard Market.

### Chard Market

The Chard market is run under a Charter that was originally granted to the town in 1683. The Charter empowered the town to hold three annual fairs and three weekly markets (on a Tuesday, Thursday and Saturday). The Charter was passed from Chard Borough Council to South Somerset District Council when it was created in 1974.

The District Council currently operates markets in Yeovil and Area West; including Chard's general market in Fore Street on a Saturday. In May 2012, the Markets Supervisor expressed interest in reducing her working hours. This gave the opportunity to consider alternative arrangements for the operation of the market in Chard.

Work the Community Regeneration Officer has been carrying out to help revitalise the markets in Area West has shown that one factor in creating a successful market is local ownership. The Community Regeneration Officer approached Chard Town Council to start discussions to explore the possibility of the Saturday market being managed more locally.

At a Chard Town Council meeting on the 18th June 2012 it was agreed that a working group, including two market traders, should be set up to explore this proposal in more detail. That working group reported back to the Town Council on the 20th August 2012

with an interim proposal to ensure that the market continues to operate without any break in trading. The same report outlined proposals for ways in which Chard Market could possibly be expanded in the future.

As of Saturday 29th September 2012, Chard Town Council have agreed that they will be able to take over the management of the Saturday market. It is intended that the Market will operate with the support of one of the current market stallholders along with existing Chard Town Council staff.

The Area West team wish to support the formal and permanent transfer of the Market and believe that this will be the best way to achieve the ambition of both councils. It is recognised that there are still some issues to be resolved through further negotiation, consideration and formal agreement. However, to ensure that there is no break between the current market and the “new” market to be run by Chard Town Council, it is necessary to make the changes proposed in this report straightaway.

Once the Town Council has had time to assess the new management arrangements they propose to explore the possibility of developing the market by holding themed markets in the Guild Hall on a Saturday morning. A monthly Gift Fair already takes place in the Guild Hall which does attract extra footfall to the General Market outside and it is hoped that additional markets in the Guild Hall will increase the number of shoppers in the town on further Saturdays.

As part of the ongoing work to help revitalise the Area West markets the Community Regeneration Officer will continue dialogue with Chard Town Council in relation to any potential improvements that can be achieved.

As part of the future development of the market in Chard, the Town Council have indicated that they would like to see the Charter transferred from SSDC to their ownership. Officer discussions about this are already currently taking place to look at future arrangements for the Charter.

### **Legal Implications**

It is proposed that a temporary licence to operate Chard Market be granted to Chard Town Council pending completion of discussions regarding the formal transfer of the Market Charter.

### **Financial Implications**

The financial implications of this proposal for SSDC are broadly neutral. There will be some reduction in costs offset by a similar reduction in income.

In November 2010, £20,000 was allocated to the Area West Markets Improvement Group to support projects that were identified in the Action Plan, subject to specific committee approval. There are no financial implications within this report that would impact on that allocated fund. However, work does continue to improve the markets in Chard, Crewkerne and Ilminster so any future requests relating to this fund will be the subject of a future committee report.

### **Corporate Priority Implications**

To ensure the continuation and future growth of Chard Market will give people the opportunity to start up new businesses or expand existing markets, this fits in with Focus

One of the Council Plan to have a strong economy which has low unemployment and thriving businesses.

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

Markets provide the opportunity for local products and produce to be sold and bought, thus reducing food miles.

### **Equality and Diversity Implications**

Markets have the potential to promote diversity, they enable all sections of the community, especially those on a low income to shop and set up a business.

**Background Papers:** *Area West Committee October 2011*  
*Area West Committee June 2011 agenda and minutes*  
*Area West Committee November 2010 agenda and minutes*  
*Audit Committee August 2010*  
*JAC West October 2009 – agenda and minutes*

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Area West Committee – 19<sup>th</sup> September 2012

**9. 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.

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Area West Committee – 19<sup>th</sup> September 2012

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

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

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Area West Committee – 19<sup>th</sup> September 2012

## 11. 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 Lodged

**Haselbury Plucknett** – The change of use of land for 2 No. private gypsy/traveller pitches to include 2 No. mobile homes, 2 No. touring caravans, 2 No. day rooms and associated hardstanding, refuse storage, resiting of access and closure of existing access. (GR 347413/110447), Land OS 4443 Part Stonage Lane Haselbury Plucknett – Mr & Mrs Billy & Emma Hughes – 11/02044/FUL.

**Merriott** – The formation of a new access. (GR 344949/113272), Land to the North of Half Moon House, Boozer Pit, Merriott – Mr Roger Clemas – 11/03775/FUL.

#### Appeals Allowed

**Ilminster** – Alterations, the erection of single storey extension, first floor extension and insertion of dormer window to west elevation (revised application) (GR 335750/115150), 18 The Beacon, Ilminster, Somerset, TA19 9AH – Mrs Rebecca Beggs – 12/00197/FUL.

#### Appeals Dismissed

**Chard** – The erection of a detached garage/store (GR 335401/108884), Lilac Cottage, Tolleys Lane, Lydmarsh, Chard, Somerset, TA20 4AA – Mr Adam Marsden – 12/00515/FUL

#### Appeals Withdrawn

**East Chinnock** – The change of use from former post office (Use Class A1) to residential (GR349548/113032) – Mrs Jacqueline Lee – 12/00361/COU

The Inspector's decision letters are attached at pages 18-21.

**Background Papers:** Application files – 11/02044/FUL, 11/03775/FUL, 12/00197/FUL, 12/00515/FUL





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## Appeal Decision

Site visit made on 6 August 2012

**by Neil Pope BA(HONS) MRTPI**

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

Decision date: 10 August 2012

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**Appeal Ref: APP/R3325/D/12/2177372**

**18 The Beacon, Ilminster, Somerset, TA19 9AH.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Rebecca Beggs against the decision of South Somerset District Council.
  - The application Ref. 12/00197/FUL was refused by notice dated 12 March 2012.
  - The development proposed is extensions and alterations.
- 

### Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations at 18 The Beacon, Ilminster, Somerset, TA19 9AH. The permission is granted in accordance with the terms of the application, Ref. 12/00197/FUL, dated 12 January 2012, and subject to the following conditions:
  - 1) the development hereby permitted shall begin not later than three years from the date of this decision;
  - 2) the development shall be undertaken in accordance with the details shown on drawing Nos. 3576-04E, 3576 -05D, 3576-06B, 3576-08C, 3576-09C, 3576-10A, 3576-11A, 3576-12 and 3576-13.

### Reasons

2. The appellant's bungalow forms part of a row of mainly two storey houses. There is much variation in the size, height and design of these dwellings. Whilst this part of the town is not unattractive, my attention has not been drawn to any special or distinctive qualities of the local environment.
3. The proposed first floor extension would considerably increase the mass and height of the host dwelling. However, there would be variation in the roofline of the enlarged dwelling and the inclusion of bay windows and a hipped roof on the front (west) elevation along with smaller windows on the side (northern) elevation would assist in breaking up the overall mass of the extension.
4. The extended building would be no taller than No.20 alongside and would not be out of scale with neighbouring dwellings or be unduly large. It would not intrude into or disrupt any important public views. Rather than unbalancing the appearance of the host dwelling the scheme would add interest to an otherwise bland and quite unremarkable bungalow.
5. Replacing the timber shingle roof and white UPVc windows with natural slates and timber framed windows would enhance the appearance of the host

building. I concur with the appellant's Architect that the proposal would enhance the composition of the street scene.

6. The development would be designed to a high standard and would respect the form, character and setting of the locality. It would accord with national<sup>1</sup> and local<sup>2</sup> planning policies that are aimed at promoting good design. There is nothing before me to demonstrate any conflict with the Council's design guide. The proposal would enhance the character and appearance of the area.
7. The extension would alter the outlook from the facing window in No.20, as well as part of the rear garden of this neighbouring house. However, this would be set back an adequate distance so as to avoid any serious loss of light or overbearing impact. The proposed first floor window would be fitted with obscure glazing to avoid any harmful overlooking. The impact upon property values would not be a sound basis for withholding permission. The scheme would not unacceptably harm the amenity of neighbouring residents.
8. For the avoidance of doubt and in the interests of proper planning it would be necessary to attach a condition identifying the approved plans. As these plans specify the materials to be used it would be unnecessary to attach a separate condition regarding the use of materials.
9. Given all of the above, I conclude that the appeal should succeed.

*Neil Pope*

Inspector

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<sup>1</sup> National Planning Policy Framework

<sup>2</sup> Policies ST5 and ST6 of the adopted South Somerset Local Plan and policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan Review



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## Appeal Decision

Site visit made on 29 August 2012

by **Christopher Gethin MA MTCP MRTPI**

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

Decision date: 4 September 2012

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### Appeal Ref: APP/R3325/D/12/2178525

### Lilac Cottage, Tolley's Lane, Lydmarsch, Chard, Somerset TA20 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Marsden against the decision of South Somerset District Council.
  - The application ref. 12/00515/FUL was refused by notice dated 12 April 2012.
  - The development proposed is a detached garage/store.
- 

### Decision

- 1 The appeal is dismissed.

### Main Issue

- 2 The principal issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

- 3 The appeal site comprises part of the curtilage of a dwelling located in the countryside. The 1½-storey dwelling lies at the eastern end of the 0.39ha curtilage, with a double garage adjoining it. The proposal is for a large barn-type building to house the appellant's collection of classic cars, as well as a campervan, a tractor and tools for grounds maintenance.
- 4 The building would measure about 15.4m by 9.5m and would have a pitched roof about 5.5m high. It would be located in the southwest corner of the curtilage, with a compacted stone track connecting it to the existing driveway.
- 5 I saw at my site visit that the site lies in a secluded valley, with numerous trees and hedgerows bordering the fields. The property is located at the end of a narrow lane which becomes a bridleway. However, notwithstanding the tall hedges which the proposed building would be set against, it would be visible from the lanes and bridleways in the locality, and would appear as a substantial isolated structure unrelated to the dwelling. As a domestic outbuilding, its location within a domestic curtilage, adjoining the boundary with another dwelling, would make its agricultural appearance seem contrived and incongruous. With its ridge only 0.2m lower than that of Lilac Cottage, its bulk would compete with the dwelling, and it would fail to appear subservient.
- 6 I saw that at the top of Tolley's lane, near its junction with the A30, there are some large commercial buildings which abut the lane, but I consider that these

do not provide a precedent for the proposed building or justify its intrusion into the landscape.

- 7 I conclude that the proposed development would harm the character and appearance of the area, contrary to policies ST5, ST6 and EC3 of the 2007 South Somerset Local Plan, and the core principle of the 2012 National Planning Policy Framework, which states that planning should seek to secure high quality design.

**Conclusion**

- 8 The harm I have identified outweighs the benefits which would arise from the proposal in terms of providing secure storage for the appellant's collection of classic cars and removing them from view. For the reasons given above, and having regard to all other matters raised, I conclude on balance that the appeal should not succeed.

*Christopher Gethin*

INSPECTOR

Area West Committee – 19<sup>th</sup> September 2012

## 12. 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 23.

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 – 19<sup>th</sup> September 2012

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

The next scheduled meeting of the Committee will be held on Wednesday, 17<sup>th</sup> October 2012 at 5.30 p.m. at Merriott Village Hall.

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## Planning Applications – 19<sup>th</sup> September 2012

### Planning Applications will be considered no earlier than 7.00pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.50pm.

#### 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
25	ILMINSTER	12/01946/ FUL	Formation of new access and parking	17 The Beacon, Ilminster	Mr T Broom
30	ILMINSTER	12/02823/ FUL	The installation of an extended 10MW photovoltaic array	Parsonage Barn, Stocklinch Road, Whitelackington	Solar Century
50	CHARD HOLYROOD	12/02448/ FUL	Erection of a new single storey medical centre with associated external works and car parking (revised application)	Land Part Of Playing Field, St Marys Crescent, Chard	Haven Health Properties Ltd
65	BLACKDOWN	12/01733/ FUL	Erection of an agricultural building	Land at Beetham, Higher Beetham, Whitestaunton	Mr K Paris
76	BLACKDOWN	12/02390/ ADV	Display on 2 No. non illuminated directional signs	Land At Ham Farm Ham, Farm Lane, Combe St Nicholas	Mr I Hutchings

Area West Committee – 19<sup>th</sup> September 2012

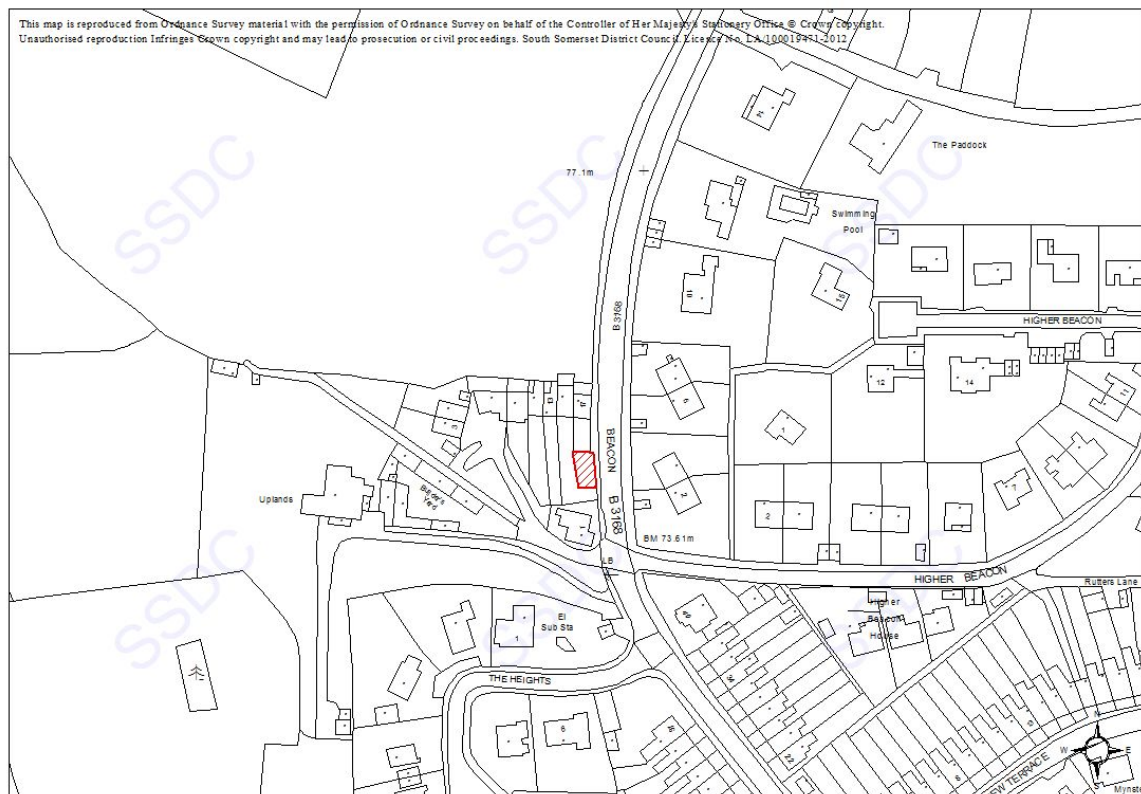
**Officer Report On Planning Application: 12/01946/FUL**

<b>Proposal:</b>	Formation of new access and parking (GR 335647/114990)
<b>Site Address:</b>	17 The Beacon Ilminster Somerset
<b>Parish:</b>	Ilminster
<b>ILMINSTER TOWN Ward (SSDC Member)</b>	Carol Goodall (Cllr) Ms. K T Turner (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	23rd July 2012
<b>Applicant:</b>	Mr Trevor Broom
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Other Householder - not a Change of Use

**REASON(S) FOR REFERRAL TO COMMITTEE**

The application is to be considered by Area West Committee, having been deferred at the last meeting of 15th August 2012. It is before Committee at the request of the Ward Members, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, to consider the potential impact of the proposed development on highway safety along a classified road.

**SITE DESCRIPTION AND PROPOSAL**



The application relates to a rectangular shaped area of land, measuring approximately 6m by 10m, to the front of 17 The Beacon, an end of terrace cottage, located on the west



side of The Beacon. The land in question fronts the adjoining highway, which is a classified 'B' road (B3168) and is separated from the remainder of the domestic land associated with 17 The Beacon by a public footpath running northwards from The Beacon and beyond the adjoining properties. The site is partially enclosed by a gate, but is otherwise open fronted and has until recently been used as off-street parking for the occupiers of 17 The Beacon. There was previously a hedge enclosing the remainder of the land, possibly with a fence behind.

The application is made to provide vehicular access and parking on the site.

## **HISTORY**

12/01621/FUL: Alterations and erection of a two-storey extension with balcony - Approved with conditions.

## **POLICY**

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

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:  
STR1 - Sustainable Development  
Policy 49 - Transport Requirements of New Development  
Policy 51 - Road Hierarchy

South Somerset Local Plan 2006:  
ST5 - General Principles of Development  
ST6 - The Quality of Development

### Policy-related Material Considerations

National Planning Policy Framework (March 2012):  
Chapter 4 - Promoting Sustainable Transport

## **CONSULTATIONS**

Town Council: No objections.

SSDC Technical Services: No comment.

County Highway Authority: 2nd July 2012: The proposed development would result in the creation of parking area and the dropping of the footway to allow vehicle access.

The proposed access will be created from the B3168, which is designated as a County Route under Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan (The Structure Plan) and is a Class 2 highway under the road classification. Policy 49 of the Structure Plan states that direct access onto a County Route should be strictly prohibited unless there is an overriding need or benefit to do so. As a consequence the Highway Authority would usually raise objection to any proposal, which would depart from this policy.

However, it is apparent that the proposed development would create off road parking for vehicles, which are currently parked on the adopted highway. In addition it is apparent from visiting the site that a number of properties in the vicinity of the site have direct access from The Beacon. As a consequence it may be considered acceptable to allow the creation of this new access.

In terms of the detail the proposed parking area would need to be properly consolidated and surfaced. It should be noted that this should not include loose stone or gravel as this could present a potential highway risk to other road users if it were to be deposited on the highway. It is apparent from no drainage information has been submitted. A suitable drainage system would need to be provided to alleviate any concerns over surface water discharge onto the adopted highway. The proposal would also include the dropping of the kerbs on The Beacon and creating a vehicle cross-over. This would need to be carried out under licence from the Area Highway Office for South Somerset.

Therefore based on the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached:

- The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.
- The proposed parking area shall be properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- 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.

**NOTE:**

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, Area Highway Office for South Somerset, 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.

17th July: Further to your e mail dated 16th July 2012 I have the following response in regards to the comments raised.

The attached resident e mail raises concerns over the creation in the drop kerbs resulting in a loss of on street parking. It should be noted that technically no one has the right to park on the adopted highway (unless it is in a specific residential parking zone). As a consequence this application was viewed by the Highway Authority on the bases that it would result in the creation of an off-road parking area, which would remove cars from parking on the adopted highway which would be seen as a benefit to highway safety.

**REPRESENTATIONS**

The application has been advertised by site notice for the requisite period. The following responses have been received:

- 2 letters from neighbouring residents objecting to the proposal on the basis of loss of on street parking for existing residents with no alternative but to park on the public highway and the impact on highway safety as a result of additional vehicles reversing onto The Beacon, which is a busy classified road with cars already parked either side of the highway. Both of these neighbours make reference to having no objection in principle to one off street parking space being created.

## **CONSIDERATIONS**

The proposal is made for the provision of a formal access off the B3168, with associated off-street parking in association with 17 The Beacon. The main considerations will be the impact on visual amenity of the area, residential amenity of neighbouring residents and highway safety. The submitted plans show two parking spaces marked, however the width of the parking area and access point is just over 8m, allowing space for up to three vehicles to park off road.

Firstly it is not considered that the proposal will cause any adverse impact in terms of visual appearance and residential amenity. With the exception of providing a properly consolidated surface and possibly levelling off part of the site, there will be no difference to existing and also the site is at an adequate distance from adjoining residential premises to avoid impact on residential amenity.

The main concern is the impact on highway safety as the application is for parking straight off the public highway, with no turning provision on site and also the loss of parking spaces on The Beacon. Objections have been received from two neighbouring residents, advising that many of the neighbouring properties have no access to off-street parking and are reliant on parking on the highway. They are therefore concerned about the impact the proposed development would have on highway safety as a result of increased pressure to park on the highway and also as a result of potential for up to three vehicles being able to reverse onto the classified highway at this point. In this case, the County Highway Authority have commented but chosen to raise no objection. It is noted that the access is onto a classified 'B' road and as such there would usually be a requirement for turning on site but the Highway Authority are of the view that the proposed access will be similar to several accesses in the vicinity of the site, including one immediately to the south. It is also considered that local highway safety could be improved by the removal of cars, currently parked on the adopted highway.

For the above reason, it is not considered that the proposed development will have a detrimental impact on highway safety at this point. As such, the recommendation to Members is to approve planning permission.

## **RECOMMENDATION**

Approval with conditions

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives of policies STR1 and 49 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 4 of the National Planning Policy Framework.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plan: '1:500 Site Plan', received 28th May 2012.

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

03. The proposed access and parking area shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved details shall be provided before the development hereby permitted is first brought into use.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan and saved policy ST5 of the South Somerset Local Plan.

04. Provision shall be made within the site for the disposal of water so as to prevent its discharge on to the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan and saved policy ST5 of the South Somerset Local Plan.

**Informatives:**

01. 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, Area Highway Office for South Somerset, 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.
02. The access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Area West Committee – 19<sup>th</sup> September 2012

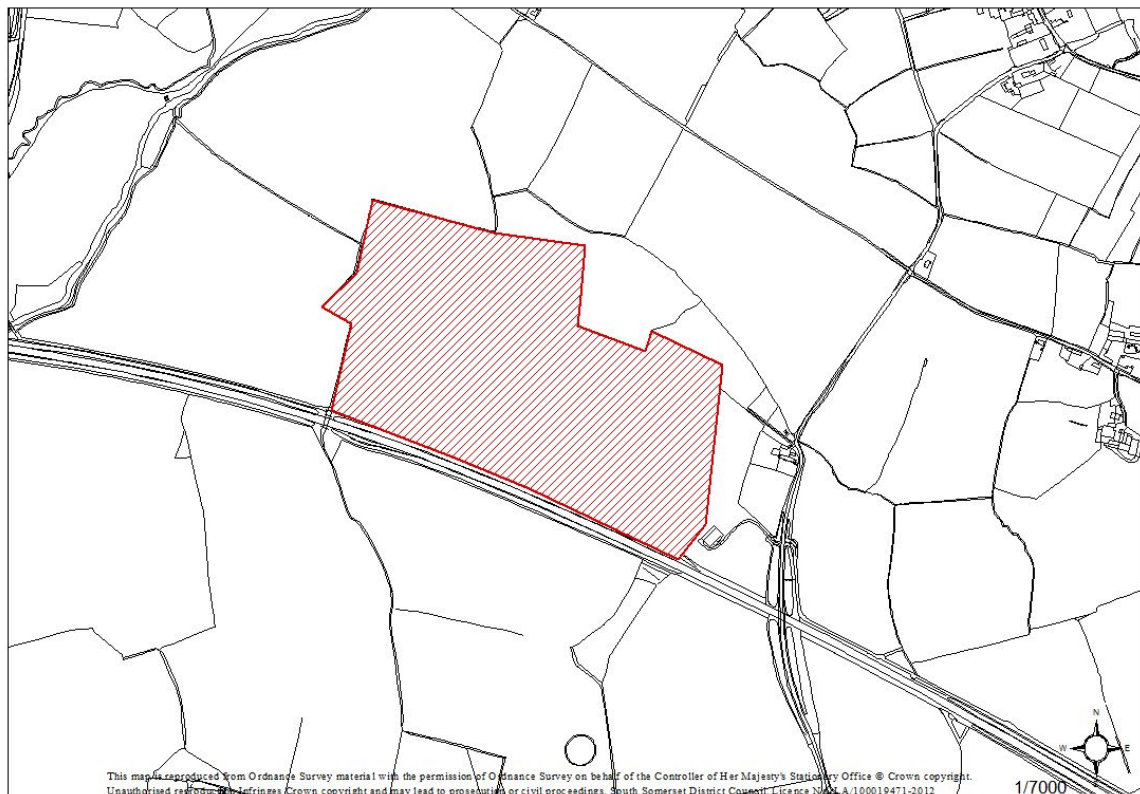
**Officer Report On Planning Application: 12/02823/FUL**

<b>Proposal:</b>	The installation of an extended 10MW photovoltaic array. (GR 337702/116210)
<b>Site Address:</b>	Parsonage Barn Stocklinch Road Whitelackington
<b>Parish:</b>	Whitelackington
<b>ILMINSTER TOWN Ward (SSDC Member)</b>	Carol Goodall (Cllr) Ms. K T Turner (Cllr)
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date:</b>	26th October 2012
<b>Applicant:</b>	Solar Century
<b>Agent: (no agent if blank)</b>	Mr Andrew Troup 22 South Audley Street Mayfair London W1K 2NY
<b>Application Type:</b>	Major Dwlg's 10 or more or site 0.5ha+

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

**SITE DESCRIPTION AND PROPOSAL**



The application site sits 1km to the north-west of Whitelackington, adjacent to the A303 Iminster By-pass. The site is 20.23 hectares (50 acres) and comprises three large fields.

There are a small group of ruinous barns to the east of the site, with a single residential dwelling (Grade II Listed) to the north-east. Otherwise the site is surrounded by open farmland. It forms part of a relatively flat piece of land with a mature hedgerow on all the field boundaries. The village of Whitelackington is 500m (approx) to the south-east of the site with Stocklinch 750m to the north-east.

This application seeks permission to significantly extend the existing solar panel PV array as approved under 12/00835/FUL. The array as currently installed spans consists of 3000 modules (approx.) with a 7m x 3m inverter building. The application proposes to cover approximately 20 hectares and will be made up of 40800 solar panels on fixed frames (1.92m high) with an additional 5 inverter buildings. Access tracks of gravel and mown grass will provide access to the array. A 1.85m boundary fence is also proposed, this will include small openings to allow free access by wildlife. Much of the existing hedging will be retained with additional areas of planting proposed. The total installed capacity is 10MW with the array expected to generate approximately 9 -10 million kWh a year; sufficient for an average consumption of approximately 2000 homes.

The site is within the open countryside but has no specific landscape or wildlife designations. The western part of the site is within Flood Zone 3. There are no footpaths through the site or adjoining. There is one footpath running along the river 370m to the west and one 350m to the north.

## HISTORY

12/00835/FUL – The siting of a PV solar array and inverter housing with associated landscaping (revised application) (retrospective). Approved 24/04/2012.

11/00943/FUL - The siting of a PV solar array and inverter housing with associated landscaping. Approved 23 May 2011.

## POLICY

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

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan. Although the Government has given a clear signal that they intend to abolish the regional planning tier, the draft Regional Spatial Strategy has not yet formally been revoked by Order, and therefore for the purposes of this planning application, the draft RSS continues some weight, albeit limited. On the 6th July 2010, the Secretary of State (SoS) announced his intention to abolish Regional Spatial Strategies (RSS).

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

- STR1 - Sustainable Development
- STR6 - Development Outside towns, rural centres and villages
- Policy 1 - Nature Conservation
- Policy 5 - Landscape Character
- Policy 7 - Agricultural Land

Policy 49 - Transport Requirements of New Development  
 Policy 60 - Floodplain Protection  
 Policy 64 - Renewable Energy

Saved policies of the South Somerset Local Plan (April 2006):

ST3 - Development Areas  
 ST5 - General Principles of Development  
 ST6 - The Quality of Development  
 EH5 – Development Proposals Affecting the Setting of Listed Buildings  
 EC1 - Protecting the Best Agricultural Land  
 EC3 - Landscape Character  
 EC7 - Networks of Natural Habitats  
 EC8 - Protected Species  
 EP3 - Light Pollution  
 ME5 - Farm / Rural Diversification

Policy-related Material Considerations

South Somerset Sustainable Community Strategy  
 Goal 8 – Quality Development  
 Goal 10 – Energy  
 Goal 11 - Environment

South Somerset Carbon Reduction and Climate Change Adaption Strategy 2010- 2014

International and European Policy Context

There are a range of International and European policy drivers that are relevant to the consideration of renewable energy developments. Under the Kyoto Protocol 1997, the UK has agreed to reduce emissions of the 'basket' of six greenhouse gases by 12.5% below 1990 levels by the period 2008-12.

Under the Copenhagen Accord (2010), the UK, as part of the EU, has since agreed to make further emissions cuts of between 20% and 30% by 2020 on 1990 levels (the higher figure being subject to certain caveats). This agreement is based on achieving a reduction in global emissions to limit average increases in global temperature to no more than 2°C.

The draft European Renewable Energy Directive 2008 states that, in 2007, the European Union (EU) leaders had agreed to adopt a binding target requiring 20% of the EU's energy (electricity, heat and transport) to come from renewable energy sources by 2020. This Directive is also intended to promote the use of renewable energy across the European Union. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020.

National Policy Context

At the national level, there are a range of statutory and non-statutory policy drivers and initiatives which are relevant to the consideration of this planning application. The 2008 UK Climate Change Bill increases the 60% target in greenhouse gas emissions to an 80% reduction by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy

Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources.

The 2003 Energy White Paper provides a target of generating 40% of national electricity from renewable sources by 2050, with interim targets of 10% by 2010 and 20% by 2020. The 2007 Energy White Paper contains a range of proposals which address the climate change and energy challenge, for example by securing a mix of clean, low carbon energy sources and by streamlining the planning process for energy projects. The Planning and Energy Act 2008 is also relevant in that it enables local planning authorities (LPAs) to set requirements for energy use and energy efficiency in local plans.

#### National Planning Policy Framework

Chapters:-

Chapter 3 - Supporting a prosperous rural economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring good design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Technical Guidance to the National Planning Policy Framework - Flood Risk

The NPPF effectively replaces the majority of the Planning Policy Statements and Planning Policy Guidance Notes.

The NPPF outlines that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for collocating potential heat customers and suppliers.

The NPPF further advises that when determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;

and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The NPPF states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;



- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In determining applications, the NPPF states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It is considered that the main thrust of the NPPF is to positively support sustainable development, and there is positive encouragement for renewable energy projects. However the NPPF reiterates the importance of protecting important landscapes, especially Areas of Outstanding Natural Beauty, as well as heritage and ecology assets.

## CONSULTATIONS

### Whitelackington Parish Meeting:-

'I submit the following points for consideration:-

1. Several Whitelackington parishioners have commented on an annoying element of the existing installation and are concerned that the larger development, currently under consideration, may exacerbate the situation. This issue concerns the sounding of an alarm at any time night or day. This alarm sounding is annoying and at times antisocial.

I am not sure what warning the alarms alerts you to, whether they are false alarms, but no matter what is initiating the alarm sounder a lot more effort should be expended on the new installation to ensure improved reliability/better installation parameters hopefully thus preventing the alarm sounding.

2. If the application is approved there should be a clause added to ensure the site being utilised MUST be returned to a 'Green Field' site rather than a 'Brown Field', site if the electricity generation system is removed from the site.'

### Stocklinch Parish Council:-

'The view of the Parish Council is that it has serious concerns over the following issues:-

- Visual impact from the village as well as from the A303 highway.
- Industrialisation of agricultural land (there appears to be confusion from various agencies as to its grade status i.e. Grade II or II, 3a 3b).
- Noise levels – there have been reports of a humming from the existing panels which with an additional 50 acre project could be magnified. Could a noise condition be included in the proposal?
- Change of use after 25 years – would it be further industrialised?
- Disruption due to increased traffic during installation. Problems were experienced with the previous project due to heavy traffic coming through the village.
- Height of visual barrier by plantings and the years it would take for this to become truly effective.
- Security of the site.
- If this is approved – would this set a precedent for further expansion of this site?

Stocklinch is a medieval village with listed properties and 2 ancient churches and historic natural landscape. From the elevations of the village there is an iconic view over to the escarpment of the Blackdown Hills, which this project would visually blight.'

Landscape Architect:-

'I have read through the material submitted in support of the above application, which seeks consent for an extended PV solar array, to the north side of the A303 and west of Stocklinch Road, Whitelackington. I am familiar with the site and its wider landscape context, having previously visited this site and its surrounds, and viewed it in relation to the earlier application (app 11/00943/FUL) for the PV array that is currently established on site.

From a general landscape perspective, I have offered the view that PV array is a form of renewable energy generation that the South Somerset landscape may have a capacity to accommodate, providing the array is appropriately sited and designed. National planning policy supports the development of renewable energy projects, providing there is no unacceptable adverse impact upon the landscape. Consequently I set out below a number of landscape criteria that PV installations should aim to satisfy, to ensure the likely impact is not adverse:

- 1) Site selection - array proposals should avoid areas that are characterised by a distinct lack of development. Any greenfield site should express a relationship with existing development presence;
- 2) Landscape character - the proposal should complement the character of the local landscape, particularly its scale and pattern, and should be located within land areas that equate to typical field/plot sizes, and are suited to the uniformity of a PV array. Ideally, the array should be set within well-hedged field boundaries, or in relation to other landscape features that provide containment;
- 3) Visual impact - the array should be sited on relatively level ground, and avoid sloping upper hillside locations, to minimise its visual profile. There should be little overlooking from sensitive public vantage points, and locations where the array would be perceived as a dominant element within the local landscape setting should be avoided;
- 4) Cumulative impact - there should be no overtly cumulative effect of PV sites arising from consents given in any one area, and;
- 5) Site detail - site layout and design should be landscape-sympathetic, i.e.; to address issues such as the height of the PV unit; the degree of reflectivity arising from the PV panels, frames and supports; the extent of ground impact arising from panel mounting systems; the scale and nature of security systems; the need for new access roads; and the form and extent of array connection to the national grid.

This application includes a planning statement, which places an emphasis upon national planning support for sustainable renewable energy schemes; and a detailed landscape and visual impact assessment, which considers the extent of likely impacts upon the surrounding landscape that may arise from the installation of this proposal. With that information in mind, and in relation to the above criteria, I would comment;

- (1) In relation to site selection, SSDC guidance advises that array proposals should avoid areas characterised by a distinct lack of development form, with greenfield site proposals located to express a relationship with existing development presence. As was recognised by the previous application, the dualled major carriageway of the A303 is a significant development feature within this valley, to which this proposal will relate.

Hence whilst the relationship to development form is otherwise tenuous, the close proximity of this major transport corridor provides sufficient development structure on which to key this proposal.

(2) In evaluating potential landscape character impact, the Landscape and Visual Impact Assessment (L&VIA) sets out the general character of this valley with reference to both national and local landscape studies, before describing in greater detail the nature of the hill and vale topography; local landscape elements; and field patterns that contribute to the character of the site and its surround. The array is proposed to extend across 3 arable fields, which are typical of the scale and openness of the field pattern east of the River Isle, and are primarily defined by low-managed hedgerows that correlate with the local drainage pattern. These hedges offer a degree of enclosure, which is substantiated by the partially-planted embankments of the A303.

The L&VIA notes the array to be primarily contained by bounding hedgerows to the north and east, and these hedges and the more substantive structure of the highway embankment go some way toward enabling the sites assimilation into the wider landscape pattern. Also to advantage is the relatively flat topography of the valley, which enables the array to nestle in the base of the vale. The L&VIA points out that once the construction is completed, the array is a passive element in the landscape, generating neither sound nor movement - unlike the traffic corridor at its southern edge. These factors are noted as favouring the proposal, to thus suggest the proposal site to be capable of accommodating PVs without adverse impact on its landscape fabric.

I would concur that the proposal disrupts neither the fabric nor the pattern of the landscape, and landscape components within and defining the site will remain apparent. The low horizontal emphasis of the overall installation is consistent with the general level of this broad valley base, and the embankments of the A303 corridor provide a development anchor for the proposal, and in this respect its siting is appropriate. Conversely, there is a substantial difference in scale between the existing scheme, and this proposal, which covers in excess of 20ha. The predominant character of the array can be viewed as industrial in nature, and this is at variance with the rural context. The introduction of such an extent of PV will bring an adverse change of character to this valley landscape. Whilst this extent of character impact is of concern, balancing the above positive factors, in tandem with the scheme of landscape mitigation that is submitted as part of the proposal, incline me to view the overall impact as not unacceptable.

(3) Turning to visual impact, the zone of visual influence (ZVI) can be defined quite tightly, to relate to the head of the hills that lay circa 1.5 km to the south, east and northwest of the site, which provide visual containment. The valley formed by these hills opens out to the west, and whilst a theoretical ZVI extends toward Ilton, low trajectory views across the lowland topography are disrupted by intervening tree lines and hedges particularly those to the sides of the River Isle, to thus limit public prospect. Hence it is primarily from the A303 that the array will be visible, though to passing traffic it will be no more than a fleeting glimpse. Whilst some views can be gained from Stocklinch to the north, these are partially obscured by intervening vegetation, at least 1 km distant, and the few views available see much of the array in shadow. Views in from Dillington Park to the south, are more in evidence, but similarly partial and buffered, other than from limited viewpoints on higher ground.

The L&VIA makes a full assessment of the potential visibility of the site, selecting and testing sensitive receptors, and notes the advantages of the proposal site – low level; partially screened; having scope for mitigation; and primarily subject of low-trajectory views. There are few sensitive receptors that look immediately toward the site, and from

these receptors, the array occupies only a limited part of the field of view. The visual impact upon each sensitive receptor is evaluated fully in appendix 2 of the L&VIA, and in the great majority of instances, it finds the likely year 1 impact to be either negligible or slight. It should be noted also that from the listed buildings that surround the site, only in the initial year is a moderate impact ascribed to Kails, thereafter slight. Where visual concern is noted, mitigation is proposed in the form of hedgerow management, both on and off-site, along with additional woodland blocks to reinforce the landscape pattern. With such mitigation in place, then no significant impacts are identified for any receptor.

I have reviewed the findings of the visual assessment, and in most part I would not disagree with them. Whilst the array will be viewed as an incongruous construction form within this rural context, it is clear that the extent of visibility is limited, and is played down by the local hedgerow pattern; the A303 highways embankment, and the continual sound and movement of traffic. The proposed landscape mitigation will further reduce visual impact, to an extent that I am satisfied that the array proposal will not create a lasting adverse visual impact upon the local landscape.

There is the issue of adverse impact upon the settings of designated sites and buildings: The nearest listed dwelling, Kails, to the east, has a clearly defined hedge curtilage which encloses its immediate setting. The array is set-back from its boundary, and is to be buffered by further (proposed) field hedging to thus create paddock space, and distance, between the LB and the array. I consider this to respect its setting.

Some 0.9km to the south lays Dillington House (grade 2\*) which nestles into the side of Beacon Hill to its south, and is enclosed from the north by historic planting belts. Its main prospect is to the east, over its parkland, and this is the extent of its immediate setting. Whilst views can be gained from the park above the house, which will perceive the array as backdrop to the house, it is clear that the current array is already an element of its backdrop (photo 11), that an extended array will not be the dominant element in the backdrop; and that planting mitigation has been organised to break up too strong an horizontal emphasis, to thus play down the arrays presence. Consequently again, I do not perceive this proposal to create a setting issue.

(4) Cognisant of the number of applications approved to date within the district, it is clear that cumulative impact is not an issue with this application.

(5) Turning to site detail, I note that the array is likely to stand no taller than 1.92 metres above ground level, which is a factor assisting its low visual profile. It would appear that no site levelling works are intended, and PV mounting is limited to a fixed racking system with its toes driven into the ground without need for concrete. A 1.85 metre tall fence of reinforced wire mesh on wooden poles, supported by CCTV cameras (but no lighting) provides site security. Inverter structures are located within the array layout, and are to be finished in suitable tones to thus minimise visual impact. The field surface will be seeded as grassland, to be managed for grazing.

I view the above details as positive factors toward ensuring the PV installation is low intensive, and relatively low profile. Grid connection is noted to be local, and to be routed underground, and providing this does not require removal of woody (hedgerow) species, or impact on any site of wildlife interest, then I raise no landscape issues here. Details of the route will however, be appreciated for confirmation of its acceptability pre-determination.

To review the proposal as a whole, on balance I believe that the site offers a number of advantages in its ability to accommodate this enlarged PV installation, both in relation to the landscape character of the locality, and the limited extent of its visual profile. Whilst

this type of installation will bring some incongruity of form and character to this rural location, and is now of a scale that will bring about a degree of adverse character impact, I am mindful that national government guidance is heavily weighted in favour of renewables, and urges LPAs to approve renewable energy schemes providing impacts can be made acceptable (NPPF para 98). A landscape mitigation proposal is submitted, which seeks to counter landscape impact, and I am satisfied that it will mitigate adverse landscape impact as far as is practicable. Consequently, I do not raise a landscape objection. That is with the proviso that the following conditions to any potential planning consent are agreed:

- 1) The landscape mitigation plan, drawing 486/01–P4 is implemented and adhered to in full, which will guide new planting works; management of the existing hedgerows; and the long term (25 years) management of the sites woody and ground vegetation. Planting should be carried out to completion during this coming planting season, November 2012 – mid March 2013;
- 2) A site restoration proposal is submitted for approval, detailing the works necessary to revert the site to open agricultural land on completion of the lifetime of the array, along with the retention of the new landscape features arising from this application, and;
- 3) Security of the site is confirmed to be as detailed in the landscape and visual impact assessment, i.e. wire mesh fencing to 1.85 metre height, and no lighting. CCTV columns are to be finished in a dark muted tone.

Details for (2) should be submitted and approved before work commences on site.'

Climate Change Officer:-

'The UK has a target to meet 20% of energy needs from renewables by 2020. Despite this, until very recently, renewable electricity generation within South Somerset has been minimal. However, since the introduction of the feed in tariff installed capacity of renewables in South Somerset now stands at 8.009 MW with 7.868 MW of that from photovoltaic arrays. (Ofgem statistical report 31/07/2012). This is providing 0.936% of the districts annual requirement (DECC sub national electricity consumption data 2010.) making the district the leader in the region. This proposed large PV array will more than double the districts PC capacity and make a very significant reduction in carbon emissions.

This development is a well designed installation. The site chosen is very suitable because it is relatively close to electricity consumers at Ilminster, which will minimise grid losses and just the type of application that this council should encourage.

I have checked the electricity generation estimate during the course of a year and found it to be accurate. The development has the potential to supply the equivalent of 90 - 100% of Ilminster household electrical demand over the course of a year.

I have no objections.'

Highways Agency (notified as site is adjacent to A303 trunk road):-

'From the information supplied in your letter, we are content that the proposals will not have any detrimental effect on the Strategic Road Network. On this basis, we offer no objections to the application.'

County Highway Authority:-

'Somerset County Council is generally supportive of alternative energy development and as such there is no objection in principle to the proposal.

In regards to the vehicle movements it is presumed that there will be an increase in vehicle movements along the A303 and the approach roads through the village of Whitelackington. However this will only be for a limited period during the construction phase of this development.

Once the site is operation it is unlikely that the site will generate a significant level of vehicle movements as the only vehicles which would access the site would be those associated with the sites ongoing maintenance.

The applicant has indicated that the site will make use of the existing accesses to the east of the application site. From visiting the site it is apparent that the access is of sufficient standard to accommodate the construction traffic associated with this proposal, whilst sufficient visibility is provided in either direction.

I therefore raise no objection to this proposal.'

Ecologist (SSDC):-

'I'm satisfied and in agreement with the findings and conclusions of the submitted ecological assessment (Fieldwork Ecological Services Ltd, July 2012). This didn't identify any significant ecological constraints provided that the existing hedges and ditches are retained as proposed. I have no objection subject to conditions to ensure protection for the following:

1. Hedges. The hedges on site are fairly likely to be used to some extent for foraging and commuting by bats. Removal of any part could potentially have impact upon these species. Furthermore, following consent, it's uncertain whether the hedges would still be subject to protection by the Hedgerows Regulations (it depends on whether the land is still classified as agricultural). I therefore recommend a condition preventing any hedge removal without prior written approval of the lpa.'

Environment Agency:-

The Agency originally objected to the application on the grounds that there was no flood risk assessment included with the application. This has now been submitted and the following comments have now been received:-

'The Environment Agency has received further information from the applicant's agent and the Local Planning Authority (LPA) concerning the above application.

We can now advise that, further to our letter of 21 August 2012, we have reviewed the flood risk information submitted by RPS, dated 30 August 2012.

The flood risk submission includes surface water run-off calculations for the existing greenfield site as well as considering the potential increase as a result of the solar farm development. We accept the proposed approach whereby a swale will be provided to mitigate for a 10% increase in surface water run-off. The below condition is required to ensure that further details of the swale (such as a detailed landscape plan and swale cross-sections) are submitted prior to construction.

**CONDITION:**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in

writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

**REASON:**

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

The following informatives and recommendations should be included in the Decision Notice.

There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.'

**CPRE:-**

- 1 It is considered that this application should not be approved for two reasons: first, because landscape implications have not been fully addressed; second, because there is uncertainty about whether the land is designated Best & Most Versatile (BMV).
- 2 Regarding landscape matters, CPRE endorses the comments submitted by Ms Wendy Lutley on 17 August. The present relatively small array is clearly visible from points of public access on the escarpment north of Stocklinch as well as from Dillington House. Increasing the area of the site six-fold would have a considerable effect on views of what is at present, apart from the Ilminster Bypass, a purely rural scene. The Bypass itself is now beginning to be screened, at least in summer time, thanks to tree planting, but it has taken over 20 years for this improvement to take effect and the solar array would, it is claimed, be there for 25 years only.
- 3 CPRE Somerset has a policy that good agricultural land, especially BMV, should be protected from development. This is because of predicted population growth and the fact that cultivatable land is becoming scarcer both internationally and nationally. In addition it must be pointed out that the price of oil, on which modern food growing is heavily dependent, can only increase because demand exceeds supply. The National Planning Policy Framework, at para 112, states a planning authority should take into account the economic and other benefits of BMV agricultural land and seek to use poorer quality land where development of agricultural land is shown to be necessary.
- 4 In fact no consideration appears to have been given to finding a better site, apparently because the applicant claims, first, that it would remain in agricultural use, since sheep would graze under and alongside the panels, and, secondly, that most of the land is Grade 3b and therefore not BMV. Regarding the grading, the applicant's agent, at a public meeting in Stocklinch on 16 August, claimed that a survey carried out for the landowner (Dillington Estate) by Cranfield University in 2002 proved the relatively poor quality of the land. That report is not at present available as a public document. Previously it had been claimed that the Magic DEFRA database showed that 66% was Grade 3b and 33% 3b but no

such information appears in fact to be available. There is a map available from Natural England which indicates the land is Grade 2 and contiguous with Grade 3 (no indication of whether a or b) but this is to a scale of 1:250,000 and regarded as “very broad-brush”. Natural England advises that where MAFF ALC maps do not exist (as here) then the work can be done by commercial consultants and this means using handheld augers to examine soils to a depth of 1.2 meters, at a frequency of one boring per hectare, plus the digging of occasional small pits to inspect soil profile. Has such a survey been done?

- 5 There is no denying that reduced energy consumption and the development of renewable sources of power generation are essential for the survival of civilisation as we know it. Equally important is security of our ability to produce food. There is no need for one of these aims to preclude the other. It is difficult to see how SSDC as the planning authority can make a decision without the benefit of the right information.
- 6 It is difficult to obtain information on the real efficiency of one form of renewable power generation compared with another but it seems clear that photo voltaic panels compare poorly with wind generation in terms of energy produced from energy invested. They clearly have a role to play, especially on roofs and on land of little or no agricultural or scenic value.
- 7 The applicant claims that after 25 years the solar array would be taken away and the land restored to agricultural use. Can that be guaranteed? What happens if the applicant goes into liquidation? And in any case, if the power from this proposed solar array is needed now would it not be needed even more in 25 years?
- 8 The land is currently classified as agricultural. The solar array would clearly not be an agricultural use. Could it be ensured that, in the event that the solar array was no longer needed or after 25 years, the land would still be regarded as agricultural rather than industrial? The claim made that because sheep would be grazed to keep herbage under control the site would remain in agricultural use is difficult to take seriously. It would be interesting to have a comparison of how many sheep the site could support if converted to pasture now and the number in the proposed solar array.

(In response to the comments of the CPRE the agent has provided details of the Cranfield University study and made the following comments:-

‘1. The land is on the alluvial floodplain of the Isle and therefore lies wetter than the better quality land on the Estate. We know this not least because that's how it farms and because the EA has been concerned about run-off. This report on pages 25 and 26 confirm that the number of days that the soils of the Fladbury Series can be worked which is markedly down compared with other soils on the Estate. On pages 36/37 there is discussion on Grades and this floodplain land is defined as grade 3.

2. I would refer CPRE to DEFRA's document 'CAP Reform Post 2013' (published in 2011) where it is clearly stated that DEFRA is required to secure 7% of farmland under environmental management schemes ie diverted from food production. Part of this can be found with existing woodland/copse/game cover but it will also require much more land to be taken out of food production. This policy can be reversed in a couple of years of course where with a PV site another location would have to be found - a more difficult undertaking but not impossible and this PV site will in any event be returned to full agricultural use in 25 years - in better condition than it is now.



CPRE's desire to see PV deployed on Grade 4 or 5 land or brownfield land is extraordinarily difficult to bring about. Land values on brownfield land mean it is not viable. Grade 4 and 5 land is so graded for a reason. It is often hilly or with much more extreme slopes and as consequence in more scenic parts of the countryside or actually floods all of which make impossible for PV.

3. I don't know where the calculation is for CPRE's assertion that clearly wind is much better when measured in terms of energy produced from energy invested. If it is talking about embedded carbon then the payback on PV is about 4 years; about the same as wind turbines if they are deployed in locations with an average wind speed in excess of 6.5m/sec.)

NATS:-

No safeguarding objections.

MOD:-

'The proposed development relates to a large scale expansion of existing ground mounted solar array at a site approximately 4.3km southeast of Merryfield Airfield. The potential for such a large scale solar array to cause glint and glare is an aviation safety consideration. The design and access statement supporting the application identifies that the panels are designed to absorb sunlight and will produce no discernable glare or reflection. On this basis I can confirm that the MOD has no safeguarding objections to this proposal.'

Environmental Protection (SSDC):-

'This office has had several complaints about a noise coming from the existing array, and I'm informed this noise is actually from an alarm false tripping due to wildlife. As such I would ask that the choice of trespasser alarm at this unit is considered further and an alarm that is resistant to false triggering is used, or alternatively a silent alarm that alerts the applicant or the police direct if this is not possible.

I'm unsure if this can be formally conditioned through the planning process but it is something for the applicant to be aware of, and ideally conditioned to avoid noise nuisance.'

(Officer Note:- The Environmental Protection Officer has spoken to the applicant and confirmed 'he (the applicant) has suggested a CCTV system and conditioning the use of a non-audible alarm. This would amply satisfy the issues raised in my earlier email.')

English Heritage:-

Do not wish to comment in detail but offer general observations:-

'This application is for the substantial extension to a solar array which is already quite prominent. We do not concur with the agent's statement that the current development is inconspicuous since it is clearly visible from the A303. Contrary to the assertion in the Design and Access Statement that there are no heritage assets nearby the application site, we have identified 3 highly graded listed buildings within 1km of it. These are Dillington House, Whitelackington Manor and the Church of St Mary, Whitelackington. Barrington Court, with its registered historic garden is set slightly further away. The Visual Impact Assessment produced for the application makes some acknowledgement of the presence of heritage assets in the proximity of the application site although it does not include Barrington Court or Whitelackington in its detailed assessment. Without a map showing the zone of intervisibility with the proposed array it is not clear to us whether or not these heritage assets might be intervisible or not with the development. The applicant's assessment does suggest, however, that there would be some

intervisibility with Dillington House and Park, in relation to which it would have been helpful if some actual photomontages had been prepared to demonstrate its extent.

From the limited amount of information available to us on the heritage impact of this development we believe that it may not be a reason for outright objection but rely on the Council's ability to make a detailed assessment of the landscape impact than we are able to undertake in order to verify that position. We also consider that the potential for landscape mitigation should be fully explored by the Council in order to protect the setting of nearby heritage assets amongst other priorities.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'

Area Engineer, Technical Services Department:-

'Comments in the Design Statement regarding flood risk to part of the site are noted and agreed – subject to confirmation by Environment Agency and the Drainage Board.'

## REPRESENTATIONS

Thirteen letters of objection have been received, they make the following comments (summarised):

- Concerned about possible noise nuisance – they have recently been alarms at various times during the day and night.
- Object to the use of good farming land which can be used to grow food becoming unproductive. There is some dispute about the Grades of the land at the site – this should be clarified.
- Concerned about impact upon birds and wildlife.
- The road capacity to the site is inadequate.
- Concerned that panels may cause problems for motorists on the by-pass.
- Wish to see that the array is suitably screened.
- This is a money-making scheme with the sole intent of generating substantial profit for the Dillington Estates.
- This is an area of natural beauty and historic interest and this installation will devalue property prices and is not in keeping with the whole feel of the area. The Council becomes involved in small house extensions and should not usher this application through without properly considering its impact on the area.
- Panels should be sited on industrial land or a less conspicuous site.
- The screening will never totally improve the site and will take years to grow.
- The survey photos in the documentation were taken during the summer; there will be more landscape impact during the winter months. This could be mitigated through the use of evergreen species in the new planting.
- Concerned that new planting will not screen the buildings and CCTV poles – suggest the use of bunding to overcome this issue.
- In terms of Human Rights a balance needs to be struck between the rights of the individual versus those of the many.
- Request conditions requiring landscaping planting (before commencement of other aspects of scheme); planting/hedging to be maintained over 25 years; no audible alarm.
- The proposal is industrial in nature and will bring an adverse change to the character of the landscape. It would proliferate and potential set precedence for inappropriate 'footloose' development along the A303.
- The A303 should not be used to justify industrial development in the landscape.

- The NPPF requires the determination of planning applications to take sustainability into account – not simply policies for encouraging renewable energy – and requires consideration of landscape and the value of the countryside in its own right.
- National and South West Policies (including proposed changes to the draft RSS 2008) should all be considered when making a decision on the current application.
- The evidence base from all the relevant landscape character assessments/studies needs to be taken into consideration in determining the effect on the landscape of the current application. Cumulative impact must also be considered.
- The proposed development would detract significantly from the amenity enjoyment of this wider rural and historic landscape.
- Need to consider the potential adverse effects from reflectant light and associated lighting, construction, signs and noise.
- Concerned that inverters will generate RF interference and noise.
- The panels will bounce and reflect noise from the A303.
- The proposal will only generate one job and will result in the loss of employment through loss of agricultural land.
- Consider that the Landscape and Visual Impact Assessment is inaccurate, incorrect and misleading. The impact of the development will be significant and result in adverse and long term impacts. Believe the project is clearly subject to an EU directive which has not been followed in terms of assessing impacts; documentation; involvement of interested parties early in the process; and sufficient time to allow participants to express their opinions.
- Concerned that this is a 'done deal' as the Council is under severe Government pressure to fulfil their undertaking to generate 20% of the district's electricity from renewable sources by 2015.
- Suggest that the array be 'stretched' along the A303 rather than forming one 50 acre block.
- There are a number of current applications for solar panels in Somerset and a number have already been approved in other parts of the County.

## CONSIDERATIONS

This application is seeking planning permission to significantly enlarge the current PV array on the site from 600KW to a 10MW solar farm enlarging the site to 20 hectares. The site is located in the open countryside and remote from any development areas. It is proposed to increase the number of panels to 40800, with an additional 5 inverter units, security fencing, temporary access track and ancillary equipment. Permission is sought for a 25-year period.

The main considerations for this application are considered to relate to landscape character and visual amenity, residential amenity, impact upon ecology, impact upon setting of listed buildings, highway safety and effect upon flooding.

### Principle

Whilst it might be preferable for brownfield sites to be considered before greenfield agricultural land there is no requirement for developers to consider brownfield sites in the first instance or apply any sort of sequential test as to the optimum site from a land use or landscape point of view. The proposal seeks to install the PV panels in arrays supported on metal posts driven into the ground allowing the ground beneath to grass over and be used for low-level grazing. The applicant advises that the land is classified as Grade 3a and 3b agricultural land, this has been confirmed by a report by Cranfield University, the site is therefore not the best and most versatile agricultural land in respect

of its fertility. The proposal is for the temporary use of the land (25 years) for the purposes of solar power generation. The installation is capable of being economically decommissioned and removed from the site at the end of its viable life or duration of planning permission if approved, whichever is the sooner, with the site returned to its original appearance and agricultural use; this can be enforced by a planning condition. It could be argued that the presence of panels would preclude more intensive agricultural uses for the period of 25 years, thus allowing the soil to regenerate. It is not therefore considered that this proposal would result in the permanent loss of the best and most versatile agricultural land.

An Environmental Impact Assessment Screening and Scoping Opinion was submitted. Under this assessment a consideration of the likelihood of significant environmental effects needs to be judged. In this case an Environmental Impact Assessment was not required as the development is of local (and not national) importance, the site is not within a designated area, is not particularly vulnerable or sensitive and the development is not unusually complex with hazardous environmental effects.

#### Landscape Character and Visual Amenity

The application site which comprises arable fields which are typical of the scale and openness of the field pattern east of the River Isle, and are primarily defined by low-managed hedgerows that correlate with the local drainage pattern. These hedges offer a degree of enclosure, which is substantiated by the partially-planted embankments of the A303. The A303 is considered to be the most significant feature within the immediate landscape and by locating the array in close proximity to the road, this will 'tie' the proposed development to a permanent feature within the landscape.

The Landscape Architect has carried out a thorough assessment of the proposal and assessed the submitted Landscape and Visual Impact Assessment (as detailed above) and, in his view, with the proposed landscape mitigation the proposal will not result in such a significant adverse impact as to justify a refusal on landscape grounds. Whilst noting that the predominant character of the array can be viewed as industrial in nature and therefore at variance with the rural context, he notes that that proximity of the A303 provides sufficient development structure on which to key the proposal. Furthermore, the proposal will work with the existing field boundaries and retain the existing hedgerows; additional native planting is also proposed to strengthen the existing hedgerows on the western, northern and southern boundaries. The Landscape Architect has given consideration to the suggestion for bunding but considers 'bunding would be entirely inappropriate in this landscape. The array is proposed to stand 1.92 metres tall: within a season, if the flail is raised, the height of the hedges can stand as tall as the array to thus break up views toward it from the north. Additionally, with the type and density of planting that has been specified, within 3 years the outline of the plantations will stand above array height, thus breaking up a perception of its rear as viewed from Stocklinch.'

In terms of the longer range views of the site, as the array is less than 2 metres tall and located upon a flat site the array will fit in appropriately with the existing field network. The panels appear as a grey mass (rather than as individual panels) within the longer range views and thus harmonise with the existing natural colour tones within the landscape. As such, it is not considered that the level of landscape impact when viewed from Stocklinch or other public vantage points would be so significant as to justify a refusal of this application.

#### Residential Amenity

In terms of the immediate area, there is one house to the east of the house; this is a Grade II listed building (within the ownership of the applicant). Given the distance to the property and the additional planting that is proposed between the array and the dwelling

it is not considered that the proposal will adversely impact upon the amenities of this dwelling or its setting.

In terms of the wider area, there have clearly been issues with regard to an audible alarm at the site. This has now been switched off and the applicant has agreed to a condition that would preclude the use of audible alarms at the site. As such, this issue can be adequately addressed. In terms of noise generated by the array itself, this will be at a low level during the day and silent at night. With the noise generated by the adjoining trunk road and the distances from neighbouring properties it is not considered that a reason for refusal could be substantiated on the basis of noise pollution.

#### Ecology

The Ecological and Survey Report concludes that there are no protected sites nearby that will be impacted upon by the proposed development and there are no significant conflicts with protected or notable species or nesting birds with this project. Furthermore, it states that there will be no impacts upon bats, badgers, brown hares, and any hares and badgers will be able to access much of the site. It notes that losses to farmland birds should be balanced by gains as the land management changes. It makes recommendations about future maintenance of land and hedgerows.

The Ecologist has confirmed that he has no objection to the proposal subject to a condition protecting the existing hedgerows on the site.

#### Impact upon setting of listed buildings

The adjacent residential property is a Grade II listed house. However, it is very much contained within its own curtilage which is defined by mature trees and hedgerow. In the circumstances, it would be very difficult to view the property as part of the array and it is not considered that the impact of the array would have a significantly adverse impact upon the setting of this building.

In terms of the more significant listed buildings within the vicinity, it is considered that the landscape analysis is an important factor within such an assessment. As noted above, as the panels tend to appear as one grey mass within the landscape and not as individual panels it is not considered that they present a significant feature when viewed as part of the setting of the listed buildings such as Dillington House (800m) and Whitelackington Manor (900m). Indeed, it is not considered that the array could be refused on the basis that it would adversely impact upon such buildings given the distances involved and the perception of the array when viewed from such distances.

#### Access and Highway Safety

In considering the proposed access and route to the site, the Highways Authority has not raised an objection noting that during construction there will be an increase in vehicle movements but this would only be a limited period. They note that the existing access is of a sufficient standard and once the site is operational there will only be very limited vehicle movements to and from the site.

In terms of the proximity to the trunk road, the Highways Agency have confirmed that they are content that the proposals will not have any detrimental effect on the Strategic Road Network and as such have no objections to the application.

#### Flooding

The Environment Agency has considered the additional submitted by the applicant and have withdrawn their original objection. They therefore have no objection to the application subject to a condition to require additional details of the swale that will be required to deal with a small increase in surface water run-off.

Conclusion

In summary, the provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EH5, EC3, EC7 and EP3 of the South Somerset Local Plan and is therefore recommended for approval.

**RECOMMENDATION**

Approve

01. The provision of this solar farm accords with the governments objective to encourage the provision of renewable energy sources and is considered to raise no significant landscape or visual amenity concerns or other substantive planning concern and to accord with the aims and objectives of the National Planning Policy Framework (Parts 7, 10, 11 and 12) and Policies ST5, ST6, EC3, EC7 and EP3 of the South Somerset Local Plan 2006.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s received Site Location (1:20,000) and Drawing No. HAZEL-DILLI-120 (Planning Elevation 1:50) received 23 July 2012; and Drawing No. 486/01 PA (Landscape Mitigation Plan) received 27 July 2012.

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

03. The landscaping/planting scheme shown on the submitted plan (Drawing No. 486/01 PA (Landscape Mitigation Plan) received 27 July 2012) shall be completely carried out within the first available planting season from the date of commencement of the development. Planting must be carried out during this coming planting season (November 2012- mid March 2013) if commencement is to take place in 2012/2013. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy condition to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

The hedgerows and trees to be retained shall be protected during the course of the construction.

Reason: In the interests of visual amenity and landscape character in accordance with saved Policies ST5 and EC3 of the South Somerset Local Plan.

04. The supporting posts to the solar array shall be anchored into the ground as shown in HAZEL-DILLI-120 (Planning Elevation 1:50) received 23 July 2012 and shall not be concreted in.

Reason: To avoid an unsustainable method of attachment in the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

05. The external surfaces of the development hereby permitted shall be of materials as shown on the submitted application form and elevation plans hereby approved and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

06. The development hereby permitted shall be removed and the land restored to its former condition within 25 years of the date of this permission or within six months of the cessation of the use of the solar farm for the generation of electricity whichever is the sooner in accordance with a restoration plan to be submitted to and approved in writing by the Local Planning Authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan (2006).

07. No means of external illumination/lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with saved Policies EC3, ST6 and EP3 of the South Somerset Local Plan (2006).

08. No works shall be undertaken unless details of the location, height, colour and number of the CCTV equipment is submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of landscape character and visual amenity in accordance with saved Policies ST5, ST6 and EC3 of the South Somerset Local Plan.

09. No form of audible alarm shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interest of residential amenity and to accord with saved ST6 of the South Somerset Local Plan (2006).

10. No hedge, nor any part thereof, nor any tree (including those within the approved landscaping scheme) shall be removed until the details of the proposed removals have been submitted to the local planning authority and approved in writing. Any significant amount of removal may require the details to include the results of bat activity surveys undertaken to current best practice, an impact assessment, and mitigation proposals in respect of any impacts identified.

Reason: To protect the existing and approved landscaping and for the protection of bats in accordance with the Conservation of Habitats and Species Regulations

2010, the Wildlife and Countryside Act 1981 (as amended) and Local Plan Policies EC3 and EC8.

11. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

**Informatives:**

01. There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
-



Area West Committee – 19<sup>th</sup> September 2012

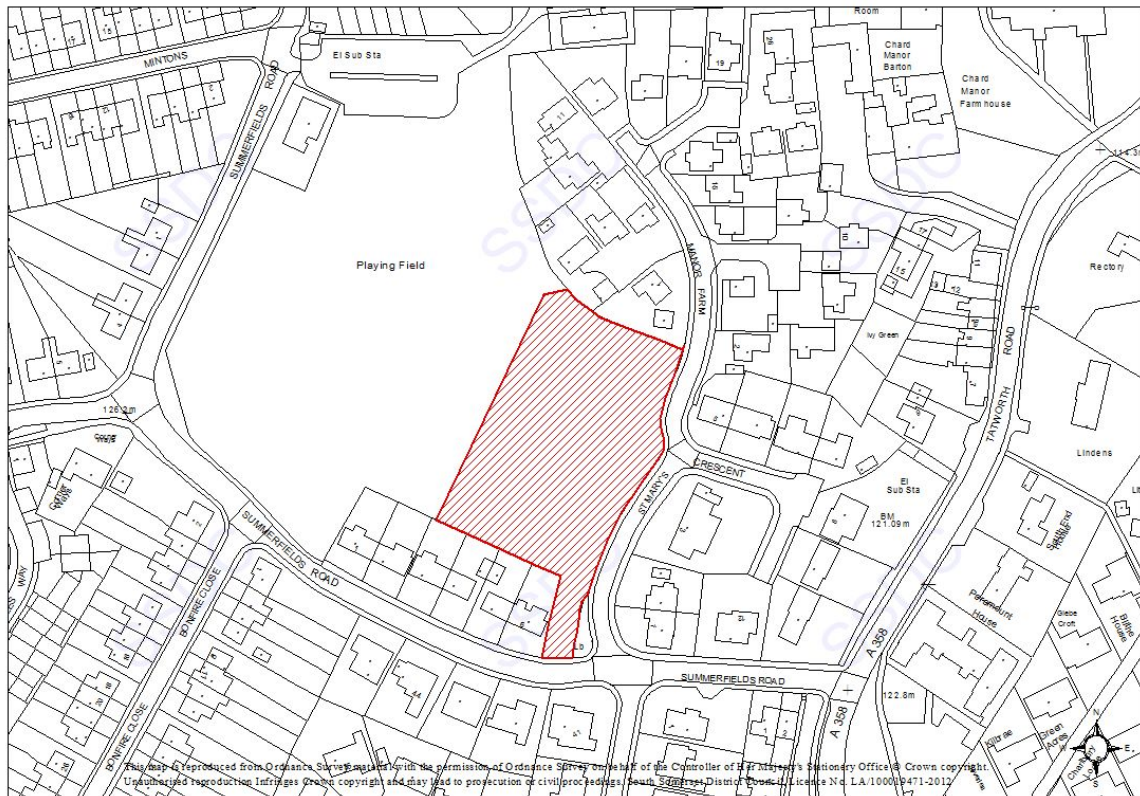
**Officer Report On Planning Application: 12/02448/FUL**

<b>Proposal:</b>	Erection of a new single storey medical centre with associated external works and car parking (revised application) (GR 332144/108083)
<b>Site Address:</b>	Land Part Of Playing Field St Marys Crescent Chard
<b>Parish:</b>	Chard
<b>HOLYROOD (CHARD) Ward (SSDC Member)</b>	Ms B Halse (Cllr)
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date:</b>	22nd August 2012
<b>Applicant:</b>	Haven Health Properties Ltd
<b>Agent: (no agent if blank)</b>	Mr Simon Bird BRP Architects 1 Millers Yard, Roman Way Market Harborough Leicestershire LE16 7PW
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

**REASON(S) FOR REFERRAL TO COMMITTEE**

The application is brought to committee with the agreement of the Ward Member and Chair to allow members to discuss the key issues i.e. the loss of school playing field and highway safety issues.

**SITE DESCRIPTION AND PROPOSAL**



The site is located on the eastern side of an existing school playing field at Manor Court School, Chard, to the south west side of Chard. The school buildings and playing field are located within a residential area, comprising a mix of bungalows, 2 storey semi-detached and terraced houses. St Mary's Crescent and Manor Farm run parallel to the playing field to the east of the application site. The boundaries of the site are currently defined by a mix of hedgerow, trees and post and wire fencing.

The application seeks consent to construct a new medical centre, along with parking and a new vehicular and pedestrian access. The medical centre will provide a new home for the existing Chard GP surgery of Dr Down & Partners located at The Tawstock Medical Centre, High Street, Chard. The Design and Access statement submitted with the application outlines that the 'existing building is beyond economic and practical conversion to provide compliant modern healthcare facilities for the GP's to provide the necessary level of patient care and its remodelling / reconfiguration is not deemed feasible'.

The new building will be located in the north-west section of the application site with the parking area in the southern section. Vehicular access will be gained via a new access off St Mary's Crescent to the east. A section of the existing eastern boundary hedgerow will be removed to create the new access. 35 parking spaces will be created along with 4 disabled spaces, 2 short stay spaces and drop/off/ambulance space. Provision will also be made for bicycle and motorcycle parking. The existing fence along the top part of the northern boundary will be replaced with a new timber fence. A 1.8 metre weld mesh fence will be erected along the new western boundary.

The medical centre will be a single storey building. The walls will be constructed with a mix of hamstone, render, timber boarding and blue washed brick. The entrance lobby will be constructed from steel and glass with an aluminium roof.

The supporting documents state that the main part of the playing field is laid out as a running track with the remainder as open space that is not used for any particular purpose. The area chosen for the medical centre is on unused sloping uneven ground.

The application was amended to omit a small section of land in the far southern corner at the junction of St Mary's Crescent and Summerfields Road. This piece of land is highway land rather than land owned by the applicant.

The application was also supported with a Transport Assessment, Ecological Assessment, Design and Access Statement and a Planning Summary Document.

## **HISTORY**

12/00169/FUL – Erection of a new single storey medical centre with associated external works and car parking (withdrawn May 2012).

## **POLICY**

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

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000)

STR2 – Towns

Policy 49 – Transport Requirements of New Development

South Somerset Local Plan (adopted April 2006)

ST5 – General Principles of Development

ST6 – Quality of Development

EH10 – No Development Areas

CR1 - Existing Playing Fields/Recreation Areas

Policy-related Material Considerations

National Planning Policy Framework:

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

### **CONSULTATIONS**

#### Town Council:

Refusal on the following grounds;

- Access and egress at St Mary's Crescent is not acceptable
- Junction inadequate for increased volume of traffic onto main A358
- Loss of School Playing Fields

#### Town Council (Amended Plans):

I've spoken to the Chair of Planning and under Delegated Authority I can advise you that the Town Council's previous recommendation to refuse this application stands. The grounds for refusal also are the same as before, being on the grounds that access and egress at St. Mary's Crescent is not acceptable, Junction inadequate for increased volume of traffic onto main A358, Loss of school playing fields. I would be grateful if these comments can be passed on to the Area West Committee.

#### Local Highway Authority

I refer to the above mentioned planning application received on 2nd July 2012 and following a site visit on the same day I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of a new medical centre with associated car parking.

#### Transport Assessment and Travel Plan

Part of the application saw the submission of a Transport Assessment (TA), this has been submitted for audit and the Highway Authority's observations are set out below.

Regarding trip generation rates for the future surgery have been based on patient surveys carried out over four days at the existing surgery. The surveys broadly indicate a similar trend in patient numbers. It was previously noted that the daily trip rates were lower than would be derived from TRICS. It is noted that the current surgery operates consulting hours of 0900 to 1230 and 1500 to 1800, Monday and Friday. This would therefore explain the discrepancy, and may also explain the uneven spread of patients throughout the day along with the differing number of GPs and staff. Based on the figures provided for the AM peak there would be 12 arrivals and 1 departure whilst the PM peak would be 4 arrivals and 9 departures. From reviewing the TRICS data these trip rates are considered reasonable. However not all staff trips for the proposed surgery

have been accounted for. Trips by the four district nurses staff do not seem to have been included. This would likely amount to a maximum of four two-way trips per day. It was also estimated that 1 delivery per day takes place for the present surgery.

Assessing the proposals traffic impact it was found that the applicant has undertaken a number of traffic counts in addition to those featured in the previous TA for the original planning application. In regards to this the Furnham Road/East Street/Fore Street signalised junction it was found that the applicant's modelling software was not compatible with MOVA controlled signals. Therefore the Highway Authority feels that further analysis of the junction should be carried out using a different method. However, given the very low levels of development traffic generated through here, I am willing to accept that the effect on this junction would be small.

Analysis has been carried out for 2012 and 2017 using suitable modelling methods. From the details provided it appears that the growth factors shown are considered to be satisfactory. Overall, the analysis shows that at peak time the development's effect on the local road network would be small. Having looked at the likely levels of traffic generated by the surgery and the levels of base traffic flows recorded it appears that these conclusions are acceptable.

In terms of the application sites accessibility it is noted that public transport (buses) passes within approximately 210m of the site. Whilst the site is accessible by foot, the location of the new surgery is likely to reduce the number of people who decide to walk from the north of Chard.

Finally in terms of parking, it is apparent that the number of car parking spaces proposed for the site exceeds those laid out in the current Somerset Parking Strategy e.g. 1 space per 25sqm of the ground floor area. With internal floor space at around 700sqm, this is likely to equate to around 28 spaces, which is less than the 35 spaces proposed. Paragraph 12.12.11 states that the average length of stay is approximately 26 minutes; the TA has calculated its parking provision assuming an average stay of 40 minutes. This 40 minutes is the 'worse case' patient stay but cannot be used to calculate the number of spaces.

If the TA's rationale is believed to be correct i.e. 26 patient stay, then 11 patient spaces would be required with an additional 13 spaces for staff giving a total of 24 spaces. This demonstrates that the Parking Strategy's figure of 28 is reasonable.

In terms of the staff parking, justification for extra parking spaces can not be based on how present and future employees may wish to travel. It is noted that there has been a deduction of 3 spaces when compared to the previous application.

The TA has indicated that the proposal will make provision for eight cycles, four motorcycles and four disabled parking bays. All three elements are considered to be acceptable by the Highway Authority.

In regards to the Travel Plan this is still being considered and their observations have not been completed in time for me to include them within this response. Once these have been completed I will submit them to the Local Planning Authority.

#### Means of Access

The proposed access will be located on St Marys Crescent, which is a residential cul-de-sac where currently traffic speed and volume is limited. From the details shown on Drawing 06 Rev J it is apparent that the boundary hedge has been set back to provide

visibility to the junction with Summerfields Road. However I do have concerns over the use of St Marys Crescent as the carriageway is quite narrow and it was observed during my site visit that there were some vehicles parked on the carriageway. Consequently I have concerns that the proposed development could lead to an interruption in the free flow of traffic, which could lead to stacking back to the junction with Summerfields Road.

#### Surrounding Highway Network

During the consultation for the previous planning application the Highway Authority raised concerns over the standard of the junction with Summerfields Road. The Highway Authority stated that although suitable visibility can be achieved to the east, the visibility achieved to the west is curtailed by the presence of the existing boundary hedge with the adjacent field that fronts onto the highway at this point. The applicant has looked to address this issue by submitting a revised site plan (Drawing 06 Rev J) which has seen the height of the hedge reduced to incorporate the required visibility standards.

The Highway Authority also had concerns over the constrained nature of the junction and that it would likely lead to staking on Summerfield Road. However from the details provided in the Transport Assessment it is apparent the impact of the proposed vehicle movements is not considered to be significant enough to have a detrimental impact on the junction.

#### Conclusion

To conclude I am satisfied that based on the level of vehicle movements set out in the Transport Assessment this proposal is unlikely to have a significant impact on the surrounding highway network. However the applicant would be required to amend the parking layout to accord with the Parking Strategy. I therefore raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Before the proposal hereby permitted is occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- 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.
- Plans showing a parking area providing for 28 vehicles shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. This area shall be properly consolidated before the use commences and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- At the proposed accesses there shall be no obstruction to visibility greater than 900mm above the adjoining road level within the visibility splay shown on Drawing 06 Rev J. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

#### Sport England:

It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a

playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee.

Sport England has therefore considered the application in the light of its playing fields policy. Sport England's policy; 'a Sporting Future for the Playing Fields of England' is available from our website: [www.sportengland.org/ Facilities & Planning> Our Policy on Playing Fields](http://www.sportengland.org/Facilities%20&%20Planning%20Our%20Policy%20on%20Playing%20Fields)).

The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The Policy states that;

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies."

Reason; Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

Playing fields continue to be given greater protection and recognition by the Government through the National Planning Policy Framework (NPPF) (DCLG, March 2012). Paragraph 74 states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It is proposed to build on a significant part of the school playing field to provide a new medical centre and car parking. The school playing field serves the pupils of Manor Court School. From Google Earth images, the playing field is marked out for cricket and athletics. It would appear that the site is large enough for football or rugby during the winter months. The proposal, if given approval and implemented, will leave a significantly smaller school playing field.

The applicant asked me to visit the site this week to confirm whether the site does or does not meet exception E3 of the playing fields policy as stated above:

The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance and adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on site.

I can confirm that the playing field is CAPABLE of forming or part forming a playing pitch and should be retained as its current use.

The strategic planning evidence for playing pitches is contained within South Somerset Playing Pitch Strategy (PPS). For cricket and football in Chard, the PPS identifies a deficit of playing pitches now and in the future. On the Council's own strategy advice, we would encourage the local planning authority to plan and develop more playing pitch sites in Chard and not lose the existing ones to development. Once lost, they are lost forever.

The proposed financial sum (£50,000) for improved changing at Jocelyn Park is 2/3 of a mile from the school and when accessed from the school by foot can only be reached by crossing a number of roads. The park is a recreation ground containing two football pitches and a MUGA. We question the financial amount proposed as it is not adequate to provide for new provision and it obviously does not include the cost of purchasing land. Whilst improving the changing at the park is good for sport, ~ is not a replacement of playing field land lost.

Through this planning application process we have consulted the national governing bodies for sport (NGB) for football and cricket:

1. English Cricket Board (ECB)

The school is part of the Chard CC 'Chance to Shine' project and receives coaching at the school. The school takes part in club competitions and they host a small inter school cricket tournament. The ECB supports Sport England's objection to the proposal (set out below) and would like to see the current school facility upgraded to make it fit for purpose.

2. Football Association (FA)

The site is not currently used by any clubs/teams as the School does not allow community access. The site appears big enough to accommodate a youth size pitch. It is not clear whether the proposed solution of a financial contribution towards changing at Jocelyn Park is sufficient funding. If the proposal was given planning permission, The FA would want the following considered:

- The School site is opened up to allow community access e.g. a 9v9 pitch for youth football
- Further details required on whether the funding for Jocelyn Park is adequate to address the changing room issue there.

In light of the above, Sport England objects to the proposal because is not considered to accord with any of the exceptions in Sport England 's playing fields policy and Government Policy as set out in the NPPF.

If your Authority is minded to approve this application, it should be referred to the National Planning Casework Un~ in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011. For the avoidance of doubt, and in accordance with Circular 02109. Sport England is objecting on the following grounds:

- 1 that there is a deficiency in the provision of playing fields in the area of the local authority concerned;
- 2 that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;

- 3 that where the proposed development involves a loss of a playing field and an alternative or replacement playing field is proposed to be provided, that alternative or replacement does not match (whether in quantity, quality or accessibility) that which would be lost.

**Somerset Playing Fields Association (SPFA):**

We note the latest re-submission of the proposal to construct new GP premises on a part of the playing field belonging to Manor Court School, Chard. Whilst it is noteworthy that the latest incarnation of the plans call for a slight reduction in the amount of land required for the proposed development (the previous plans encroaching onto the formally laid out running track cum playing pitch) we still have concerns as regards the loss of land designated for physical education, however, it would appear from the nature and tone of the submission documents that a basis for agreement exists between the principal parties involved – i.e. Manor Court School, Somerset County Council, South Somerset District Council, and Sport England.

It is not for the Association to challenge the School or SCC on what they deem to be “surplus to requirements”, but we do seriously question the reference to the subject plot of land as being “unusable” and the statement “The loss of the unused area of playing field is unavoidable”. The area of land may well be uneven and have a small gradient, but these features do not make for unsuitability as regards physical education use, or other outdoor pursuits for that matter. It may have escaped the attention of the School’s current authorities and the incumbent SCC, but the whole site (including those parts around the perimeter already built upon) was acquired for and, in the past, utilised extensively by the School for the delivery of physical education. The current state of the so called “redundant” area of the site is, we would suggest, directly attributable to a policy of non-use and neglect of maintenance for said original purpose.

If the proposed development for new GP premises is to proceed we would urge great attention to the provision of a proper buffer zone between the built area and the remaining sports part of the site. The landscaping shown to that boundary, in our opinion, does not provide either a sufficiency or a suitable buffer strip. All too often development is pushed extremely close to an existing playing field without proper thought being given to the need for buffering between the two which, more often than not, subsequently results in friction between the respective occupants of the built environment and the operators and users of the playing field. In consequence usability of the playing field becomes compromised, leading to a diminished facility (reduction of sports pitches, etc.), and further potential for loss of amenity land.

**Leisure Policy Co-Ordinator:**

This response updates our responses to the previous application on this site (12/00169/FUL) which was withdrawn. As you are aware, there were several pre-application meetings regarding this scheme and the potential loss of playing fields, and further meetings during the course of the previous application.

The applicant has provided detailed information regarding this in their Design and Access Statement, and Updated Planning Statement which summarises the position and proposals to mitigate against this loss of playing fields. I would however like to point out however that both the Design and Access Statement and Planning Statement are ambiguous in their references to the District and County Councils. It is not made clear that it is the County Council that will be in receipt of the funding from the sale of the land and the District Council, which would be in receipt of the planning contribution, if approved.



The policy areas and factors that govern this loss of playing fields are as follows:

1. Saved SSDC Local Plan Policy CR1

Saved Policy CR1 from the Council’s Local Plan states the following:

Existing outdoor playing space, recreation fields and recreation areas are an important community resource which the Local Plan seeks to safeguard:

Policy CR1

Development which would result in the loss of playing fields will only be permitted where:

1. Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site;
2. Alternative provision of equivalent community benefit is made available;
3. There is an excess of sports provision and public open space in the area, taking account of the recreation and amenity value of such provision.

2. National Planning Policy Framework

The Council’s Saved Local Plan Policy CR1, was based on Planning Policy Guidance (PPG) 17. The new National Planning Policy Framework (NPPF) now replaces PPG17, but the need for local authorities to produce assessments of needs, and identify quantitative and qualitative deficits or surpluses of open space and sports and recreational facilities is retained. (Paragraph 73). Paragraph 74 of the NPPF also states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

3. Population Growth in Chard

As the second largest town in the district, the draft Local Plan is proposing major population growth for Chard, with an increase of 1,861 dwellings during the course of the Local Plan and a further 1,376 after 2028.

4. Playing Pitch Strategy and Local Needs Assessment

The main issue from Community, Health and Leisure is the major deficiency of playing pitch provision in the Chard area. In 2002, the Council produced a Playing Pitch Strategy, which identified a major shortfall of playing pitches in the Chard area. In 2009, the Council updated the local needs assessment for pitches using the Sport England playing pitch methodology, and identified a major shortfall of all types of pitches in Chard, with the exception of adult rugby, as follows:

Year		Adult football	Junior football	Mini soccer	Cricket	Adult rugby	Junior rugby	Total
2009	No of pitches	-1.4	-2	-1.2	-3.9	2.5	-3	-9
	Sq m of shortfall	12,040	10,000	2,640	58,500		24,000	107,180
2029	No of pitches	-2.1	-2.3	-1.4	-4.5	2.3	-3.5	-11.5
	Sq m of shortfall	18,060	11,500	3,080	67,500		28,000	128,140

In accordance with the test 3 of the Saved Local Plan Policy CR1, and the requirements of the NPPF, the Council can clearly identify that there is no excess of playing pitches within the Chard area, and with the major population growth that is expected for Chard, this shortfall will continue to grow.

#### 5. Local Playing Pitch Projects

##### Local Plan and Chard Regeneration Strategy

The previous Local Plan identified a site in Chard for new playing pitches as does the draft Local Plan (previously known as the Core Strategy), to serve new developments to the south east of the town. There are also proposals within the Chard Regeneration Strategy, involving the relocation of Chard Town FC. Both of these are long term aspirations for the town.

##### Jocelyn Park

There is a desire within the town to develop new changing facilities at the existing senior football pitches at Jocelyn Park. There is no changing provision at the Park and this is having an impact on the usage of the pitches, and the membership of the 4 local teams who currently use these pitches. Teams playing at these pitches are using changing rooms at other venues within the town, and having to walk through the town to play football. By developing new changing rooms and enhancing the site, this will secure the future of these pitches for football in Chard.

##### Somerset FA

The Somerset FA are keen to see more junior pitch development in Chard, particularly to accommodate the new 9 x 9 games, for which school sites would be ideal.

##### Somerset Cricket Board / Chard Cricket Club

There are good existing links between Chard Cricket Club and the school, and the provision of an artificial wicket at the school could develop more community opportunities for cricket on the school site.

##### Manor Court School

Consultation with the Headteacher at Manor Court School indicates that the school are willing to open up their facilities for community use, if funding was available. For example, through the provision of a new community junior football pitch on the remaining part of their school playing field, which would support the identified need for more junior pitch provision in Chard.

The Headteacher also requested that similar weld mesh fencing to that already surrounding the school site be provided along the boundary between the new medical centre and the school, and the provision of a lockable gate within this boundary fencing.

#### 6. Conclusion

It is clear that the applicant has acknowledged the issues surrounding the potential loss of playing pitches and the need for additional pitches in Chard and is aware that failure to respond to these issues would result in the application being refused.

The applicant, in conjunction with officers from the Council, has explored an off site financial contribution in accord with Saved Policy CR1.2, as the most pragmatic solution. This would also comply with NPPF paragraph 74, bullet point 2. As referred to in the Updated Planning Statement, based on a loss of playing fields equating to a maximum of 3,555 sqm, and using the Council's cost of £16.36 per sqm, this would result in a maximum contribution of £58,160. Following discussions between officers and the applicant, a figure of £50,000 was agreed in principle in November, 2011, and this is the contribution proposed in the Design and Access and Planning Statements.

In summary, although the applicant is not replacing the loss of the playing field area with an equivalent area, there is significant community benefit to be gained from a financial contribution to mitigate against this loss:

- There are several potential playing pitch projects which would benefit from funding in order to increase the quantity and quality of provision of pitch sports in Chard and increase participation in these sports.
- It is not intended that any contribution would fund all of these projects in their entirety. For example, any sum secured towards new changing rooms at Jocelyn Park would be used to help secure grants from other funders.
- A financial contribution towards the new changing rooms at Jocelyn Park would help to retain, and increase, football use at these pitches
- A financial contribution towards opening up the Manor Court School site for community use would meet the requirements of the Football Association and English Cricket Board (as outlined in Sport England's response)
- The provision of a new medical centre will provide health benefits to residents of Chard.
- The proposals meet the requirements of Saved Local Plan policy CR1.2 and the NPPF

It is therefore recommended that:

1. The application is approved in accordance with Saved Local Plan Policy CR1.2 and the NPPF, on the basis that a contribution of £50,000 is made towards:  
Enhancing facilities at Jocelyn Park, and/or towards the development or enhancement of other new or existing community sports pitches in Chard
2. This contribution is subject to a Unilateral Agreement or Section 106 agreement.
3. The contribution is released on grant of planning permission
4. The contribution will be repayable by the Council if not used within 10 years of receipt.
5. Weld mesh fencing, similar to that already provided around the Manor Court Playing Fields, with a lockable gate, is provided between the new boundary between the playing fields and medical centre.

#### Landscape Officer:

I note the revised application seeking to construct a new medical centre with associated external works at the above site. From a landscape perspective, there is little change to the earlier application, to which I perceived there to be no substantial landscape issues, other than;

- (i) The need for the best trees to be retained, along with a tree protection plan to ensure their integrity during construction - I suspect Phil will advise on the detail of that, and;
- (ii) The need for a landscape proposal, to assist integration of the site into its surround.

If minded to approve, please condition the above.

#### Conservation Manager:

There are two aspects of the design that I feel should be reconsidered:-

1. The prominence of the collection of solar panels and roof lights on the top roof. The sight lines onto these are not analysed but, while these features may not be visible from close-to, I am concerned about their appearance from further away. I would prefer to see the solar panel array screened. And I wonder if clerestorey lighting rather than roof domes would be better?

2. On the massing, the proportion of the higher section to the lower - the higher looks too high and if reduced slightly would look better and emphasise horizontality.

Landscape scheme required as Robert has no doubt said with careful consideration of the playing field boundary.

Engineer:

The views of Wessex Water should be sought regarding adequacy of public sewers (foul and surface water).

Use of Sustainable Urban Drainage Systems techniques to reduce surface water run off. Drainage details to be submitted for approval.

County Archaeology:

No objection to the application.

## REPRESENTATIONS

(Original application) 3 letters/emails have been received in relation to the proposed development raising the following concerns:

- Highway safety – junction of Summerfields Road and St Mary's Crescent provides poor visibility/ on a blind bend
- Poor quality access
- Playing fields should be retained to promote physical activity and reduce levels of obesity.
- Not a suitable location for a medical centre
- Is there sufficient parking? Many cars currently park in St Mary's Crescent and this will add to the number

1 of the above neighbours supported the provision of new medical facilities but raised highway and parking concerns outlined above.

1 letter was received in relation to the amended plan that omitted the small section of land within Highway land at the junction of Summerfields and St Mary's Crescent. The writer repeated the above highway safety concerns and that the land should be retained as playing field.

## CONSIDERATIONS

The main planning issues with regard to this application are the need for the development, the loss of part of a school playing field, highway and parking issues, and design and layout.

### Need for the development

In terms of the need for the development, the agent has outlined that that development will provide a new facility for the existing Chard GP surgery of Dr Down & Partners located at The Tawstock Medical Centre, currently located on the High Street in Chard. The Design and Access statement submitted with the application outlines that the 'existing building is beyond economic and practical conversion to provide compliant modern healthcare facilities for the GP's to provide the necessary level of patient care and its remodelling / reconfiguration is not deemed feasible'.

Given the increasing demand on health facilities, the need to provide enhanced facilities and the increase in population placing additional strain on existing facilities, the need for the new medical centre is accepted by the Local Planning Authority. In terms of identifying suitable sites, the agent has stated that a search was undertaken for suitable

and affordable sites/premises but that none were found that met their needs or budget. Thus, this site was identified with the agent stating that after an open consultation process, this plot was concluded to be surplus to Somerset County Council requirements.

#### Loss of playing field

The key consideration that follows is whether the loss of a section of the existing school playing field is acceptable. The proposed development will remove around 1/3 of the total school playing field. The Design and Access Statement and the Planning Statement outlines that this part of the playing field is unusable being located on ground that is sloping and uneven. Moreover, it is currently unused. However, as can be noted by the comments of Sport England and the Somerset Playing Fields Association, the assertion that this part of the playing field is unusable is strongly contested. Following a site visit by Mr Parsons from Sport England, he concluded that the land was 'capable of forming, or part forming a playing pitch and should be retained as its current use'. Moreover, the SPFA have seriously questioned the applicant's conclusion regarding the usability of this part of the playing field.

The above concerns have to be balanced against the benefits that the proposed development will bring. In particular, the enhancement of sport/play facilities at Manor Court School and new changing facilities at Jocelyn Park, assisted by a contribution of £50,000 from the applicant to mitigate for the loss of part of the playing field. Moreover, the proposal has received the support of the Council's Leisure Policy Officer, concluding that 'there is significant community benefit to be gained from a financial contribution to mitigate against this loss'. In addition to the financial contribution that will enhance and provide new sport provision, both the Leisure Policy Officer and applicant have outlined the health benefits to be obtained by the provision of a new medical centre. This is strengthened by the lack of any new medical facilities being provided in Chard in the short term.

Thus, there are widely differing views and recommendations from various Sport and Leisure consultees on this proposal. Whilst the benefits of the scheme are fully acknowledged, Sport England have raised an objection to the loss of part of the playing field along with strong concerns raised from the SPFA. In particular, Sport England do not consider that the contribution of £50,000 is adequate to provide for new provision and does not include the cost of purchasing land. Importantly, the contribution does not overcome the fact that playing field will be lost, and once lost, it is lost forever. On the basis of the Sport England objection, the application is recommended for refusal. If members are minded to approve the application, it will have to be referred to the National Planning Casework Unit. This is a body established by the government previously undertaken by the Regional Government Offices to assess certain types of development including development that would result in the loss of playing fields.

#### Highway and parking

Concern has been raised by the Town Council and local residents about the standard of the local highway network, in particular the visibility at the junction of Summerfields Road and St Mary's Crescent. The earlier application was withdrawn, amongst other reasons, to undertake an additional transport assessment of the proposal. The Highway Authority has assessed the applicant's Transport Assessment and conclude that the level of traffic movements is unlikely to have a significant impact on the surrounding highway network and junctions, including the junction of Summerfields and St Mary's Crescent, and the Convent Junction in the centre of Chard.

The Highway Authority still retain concerns regarding the use of St Marys Crescent due to the narrowness of the carriageway and parking of vehicles on this road. Thus, the

proposed development could lead to an interruption on the free flow of traffic which could lead to stacking back to the junction with Summerfields Road. However, given that the impact of the vehicle movement is not considered to be significant, the Highway Authority conclude that there would not be a detrimental impact on the junction.

With regard to the visibility at the junction of Summerfields Road and St Mary's Crescent, the previous concern about the sub standard level of visibility looking to the west, has been overcome by reducing the height of the hedge to incorporate the required visibility splays. Any approval would need to be conditioned to ensure that this hedge is retained at the acceptable height to retain the required visibility at the junction.

In terms of parking, the scheme will provide 35 spaces along with bicycle and motorbike parking. The Highway Authority have stated that the number of spaces exceeds those laid out in the Somerset Parking Strategy which would equate to around 28 spaces. They have requested that an amended plan is submitted to show a reduced parking provision. However, given the proposed number of spaces is not significantly over the parking strategy requirement, the proposed number of parking spaces is considered to be acceptable.

#### Design and layout

A modern design approach has been applied to the new medical centre using a pallet of different materials. This is considered to be acceptable given the range of different housing types and materials in the surrounding area. The Conservation Manager has raised issues in relation to elements of the design and the agent has been asked to look into the points raised. No response has been received to date from the agent but it is not considered that the design issues raised are significant to warrant refusal. No objection is raised to the layout of the proposed scheme.

#### Residential amenity

In terms of relationship with adjacent residential properties, this proposal is considered to be acceptable. The medical centre building will be located close to the northern boundary with residential properties located on the other side of the hedgerow. However, as the medical centre is single storey and given the existing boundary treatment, it is not considered that the development will result in any harmful overlooking or impact to the nearest residential properties.

#### No development area

The whole of the school playing field is located within a designated No Development Area as defined in the South Somerset Local Plan. The policy states that 'Development which would have an adverse impact on the amenity or recreational value of open land will not be permitted unless a special community, educational or recreational need is identified'. If members conclude that the benefits of the proposed development outweigh the objections raised, the proposal would be considered to meet a community need and thus no objection is raised to the development in relation to this policy.

#### Other issue

The School has requested that provision is made for a lockable gate within the new boundary fencing between the playing field and the medical centre. A condition can be attached to any approval to agree boundary treatments – this provision can be sought as part of this condition.

### **SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING**

A Unilateral Undertaking was submitted by the applicant to the District Council on the 28th August 2012 to provide a sum of £50,000 to mitigate for the loss of part of the

Manor Court School playing field. The Unilateral Undertaking has been sent to Legal Services to confirm that it is acceptable.

**RECOMMENDATION**

Refuse permission.

**SUBJECT TO THE FOLLOWING:**

01. The proposed medical centre will be constructed on part of a school playing field in a local authority area where there is a deficiency in the provision of playing fields and the proposed development would result in a deficiency in the provision of playing fields. Furthermore, the mitigation being provided would not provide an acceptable alternative or replacement in respect of the playing field that would be lost. The development is therefore contrary to Paragraph 74 of the National Planning Policy Framework and Policy CR1 of the South Somerset Local Plan.
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Area West Committee – 19<sup>th</sup> September 2012

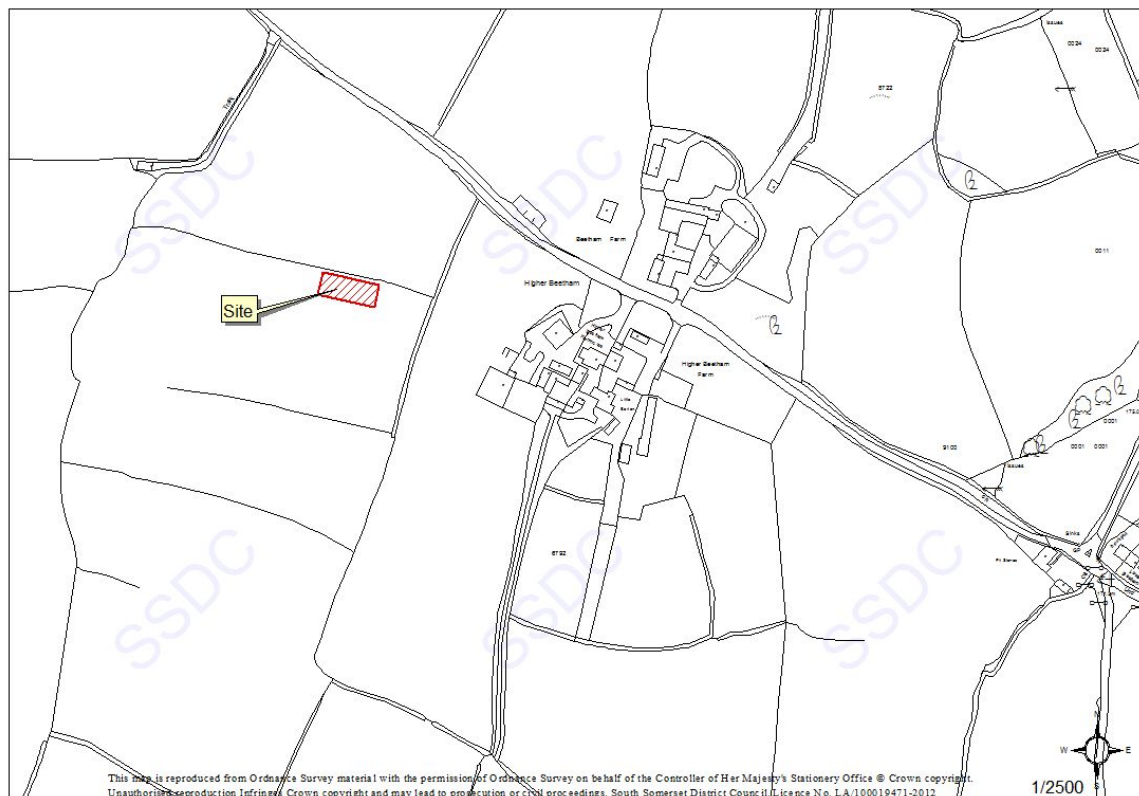
**Officer Report On Planning Application: 12/01733/FUL**

<b>Proposal:</b>	Erection of an agricultural building (GR 327702/112050)
<b>Site Address:</b>	Land At Beetham Higher Beetham Whitestaunton
<b>Parish:</b>	Whitestaunton
<b>BLACKDOWN Ward (SSDC Member)</b>	Mrs R Roderigo (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	12th July 2012
<b>Applicant:</b>	Mr K Parris
<b>Agent: (no agent if blank)</b>	Sheamus Machin St Ivel House Station Road, Hemyock Cullompton Devon EX15 3SJ
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

**REASON(S) FOR REFERRAL TO COMMITTEE**

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, to consider the potential impact on local amenity.

**SITE DESCRIPTION AND PROPOSAL**





This application relates to a proposed new agricultural barn, for the winter accommodation of livestock on land adjacent to Higher Beetham Farm, near Whitestaunton. The site is located in open countryside and is within the Blackdown Hills AONB. It is located just to the west of Higher Beetham Farm, an agricultural holding itself, and several dwellings within the original farm complex. There is another residential dwelling and a holiday caravan park located further up the road, to the west.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. The applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside of the District, to the west near Yarcombe. It is advised that the current facilities at the other unit are now filled to capacity and additional accommodation is now required for additional livestock, which is grazed on land around the application site, land that is also mowed for grass to provide winter feed for cattle.

The proposed agricultural building is to have an approximate footprint of 12m by 32m and a height of 4.5m. It is to be clad with concrete panels and Yorkshire boarding and will have profiled roof sheeting. The building is also proposed to be open fronted with gates at either end and the cattle are proposed to be 'loose housed' on bedded straw.

This application follows recently refused scheme 09/04232/FUL, which was for the provision of a similar building approximately 350m to the north west, further up the lane. This re-submission hopes to deal with previous concerns about impact on the residential amenity of local residents, while also having a satisfactory impact on local landscape character and the setting of the AONB.

## HISTORY

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

08/01978/FUL: The erection of an agricultural building - Application withdrawn.

01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

## POLICY

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

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

Policy 5 - Landscape Character

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

EC2 - Area of Outstanding Natural Beauty

EC3 - Landscape Character

EP7 - Potential Odour Generating Developments

EP9 - Control of Other Potentially Polluting Uses

### Policy-related Material Considerations

National Planning Policy Framework:  
 Core Planning Principles - Paragraph 17  
 Chapter 7 - Requiring Good Design  
 Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy (2008-2026):  
 Goal 5 - High Performance Local Economy: A competitive, high performing economy that is diverse, adaptable and resource efficient.  
 Goal 8 - Quality Development: Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.  
 Goal 11 - Environment: Protection and enhancement of our natural environment and biodiversity.

### **CONSULTATIONS**

Parish Council: No comments received.

SSDC Technical Services: No comment.

County Highway Authority: No observations.

County Rights of Way: There is a public right of way (PROW) recorded on the Definitive Map that runs nearby to the access of the site at the present time (footpath CH 7/48). I have enclosed a plan for your information.

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

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

If it is considered that the development would result in any of the following outcomes listed below, then authorisation for these works must be sought from SCC Rights Of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- Make a PROW less convenient for continued public use (or)
- Create a hazard to users of a PROW

Then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

County Archaeology: As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Environment Agency: No objections have been raised but the following informatives are suggested:

1) Drainage

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

2) Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers".

SSDC Environmental Protection: 13th June 2012: The proposed building is to be sited within 400 m of existing residential properties.

I refer you to guidance from the Environment Agency which indicates that 400 m is believed to be the physical separation distance which will provide sufficient distance for odours from such units to be adequately dispersed to such a degree that there should be no impact on the amenity of nearby residential properties.

I also understand that neighbouring properties are served by private water supplies which I understand are spring fed. Spring supplies are generally the most vulnerable to contamination. The Environment Agency should be consulted with regard to protection of ground water.

21st June 2012: As no slurry will be generated and the cattle will be bedded on hay, and the existence of the agricultural building between the application site and the nearby residential properties, I am not in a position to raise objections to this application.

SSDC Landscape Architect: I have reviewed the above application seeking the construction of an agricultural building at the above site. I also recollect previous discussions relating to this holding, where consent had been sought for a similar building in an alternative location.

The site lies within the Blackdown Hills AONB, where policy emphasis is upon the conservation of the natural beauty of the landscape. Such emphasis does not preclude the construction of new agricultural buildings, but the expectation is that any new build should be appropriately sited; suitably designed; and there should be clear justification. On this latter point, as I understand it, the case for the building is accepted in this instance.

With this application, a location has been selected that lays in close proximity to the settlement of Higher Beetham. Whilst the site does not provide a close correspondence with the current settlement footprint, it is sufficiently related to be viewed as part of the hamlet, rather than standing in isolation. It is also noted that from the majority of local vantage points, the site is seen to correspond with the adjacent built form, and it is not prominent to wider perception. From previous reviews of the farm holding, I am aware that there are few other options for a landscape-sympathetic site location. Hence on

balance, I do not consider there to be over-riding landscape grounds on which to base a refusal to this application. However, on the detail of the building materials, and landscape impact, I would advise the following conditions;

- 1) Roofing materials should be agreed before site commencement, as most views of the building will primarily see the roof, which is below the skyline. Hence the roof should avoid a bright finish, and be of muted tones. I would advise a product/finish similar to the 'farmscape' range, in 'anthracite' as suitable;
- 2) Landscape treatment is necessary, given the context. I recollect during the pre-application discussions that it was agreed the application field's north boundary hedge could be allowed to draw-up year on year, to a minimum of 3.0 metre height. A landscape proposal detailing this form of management should be sought.

## REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. 10 letters of objection have been received from local residents, making the following main points:

- The nearest properties to the site (5 residential units and farm business) do not have mains water due to prohibitive costs of installation and all the water is provided from local springs. The proposed development has the potential to cause pollution of groundwater from livestock slurry, dirty water run-off and accidental spillage of agricultural chemicals/fuels, which could contaminate these local water supplies, the long-term effects of which are likely to be irreversible. How will effluent and silage be contained so as not to contaminate these private water supplies? The site slopes towards the catchment area for the springs supplying the water supplies.
- Approval could set a precedent for further development of this site and additional impacts/hazards associated with that, as well as the possibility of a dwelling.
- The application is similar to that applied for under application no. 01/00388/OUT, which was not granted.
- It is appreciated that there may be a need for a building on the applicant's 114 acres of land but it is not acceptable being so close to the neighbouring farmstead. There are other sites that could serve the purpose without interfering with existing residents.
- In creating a new unit, the opportunity should be taken to not only design a building that integrates into the local landscape but also so it is sited to serve the best needs for the land having regard to livestock and vehicular movements. Being site at one end of the block of land ignores these factors. Furthermore, the proximity to another agricultural unit increases risk of disease being transferred.
- Concerned about the impact on Bettemoor Copse, a County Wildlife Site, the source of the local private water supply.
- Previous applications have provided for slurry storage and disposal but there is no reference to this in this application. The shed seems to cater for 80-100 head of cattle so there will be a need for waste management provision. This level of cattle is also likely to lead to above-acceptable odour levels well within 400m of residential properties (given as guidance by the EA as the acceptable level for there to be no interference).
- The location and access means that tractor traffic will be increased along this narrow lane, which is also of concern the previous application referred to the need for 500 tonnes of big bale silage to be stored on site, as well as straw and concentrates. This would still presumably be required, as well as other stock maintenance requirements, further large machinery movements and existing use by caravans, residents and walkers.
- The proposal involves the erection of a large building in the AONB.

- If permission is granted, hardstanding must be provided so that tractor movements do not involve going down to Lower Beetham and damaging the traffic island and verges.
- The applicant owns an existing Dutch-style barn along Giants Grave Road (to the west of the application site). While this is not currently in a position to meet the requirements of the proposed application, it does have access and it is understood that where a farm building once existed, it can be replaced by another with minimum disruption to other local residents. A new barn on this site would require little or no landscaping and would be viewed a little higher only, being a more acceptable option in the AONB.
- In granting planning permission for the adjoining properties, it was understood that there was a S106 agreement that no other buildings could be placed on all the land at Higher Beetham and some buildings nearer the dwellings also had to be demolished prior to approval being granted. The erection of a new building on adjoining land would make a mockery of these restrictions placed on the previous owner, who sold the application site land to Mr Parris.

## CONSIDERATIONS

### Principle of Development

The proposed development relates to the provision of a new agricultural building for the winter accommodation for cattle that graze in the fields in the local vicinity, over the summer months. The applicant currently runs their business from the main unit at Birch Oak Farm, approximately 2.5 miles to the southwest. It is advised that not only have the facilities at this site reached full capacity, it is the applicant's desire to make use of the land around Higher Beetham to accommodate the surplus stock that cannot be housed or based at Birch Oak Farm. The proposal will also reduce the number of vehicle movements associated with moving stock from the application site and the land around the main farm. The application is supported by an agricultural appraisal that further discusses the justification for the proposed development and as was the case in the previous application, it is considered that there is adequate justification for the provision of a new building to service the block of land in the area.

Having therefore accepted the justification for the proposed development, particular consideration needs to be given to the impact of the proposed development on the amenities of the locality, local landscape character and highway safety.

### Landscape Character

While new development in the open countryside is generally resisted, it is noted that where there is an accepted proven need for a building to support the existing agricultural enterprise, these may be acceptable in principle. One of the main considerations at this site, is the fact that it is within an AONB and as such Local Plan policy EC2 advises that "development proposals which would cause harm to the natural beauty of AONBs will not be permitted". The applicant has undertaken extensive pre-application negotiations with the Council Officers, prior to and following the previous refusal.

In this case, the Council's Landscape Architect has raised no objection in principle, subject to there being adequate justification for a building in the first place. When giving consideration to siting, it is noted that any new building would have to have access to and from a highway, the access will need to have good visibility and the site needs to be relatively level to keep construction costs at a reasonable level and to make movements of stock and vehicles easier. The access requirements limit the proposed site to fields with a road frontage, which effectively means those fronting Higher Beetham or the A303, limiting available options.

In carrying out pre-application discussions, the application site was found to be one of only a few favourable options in terms of local landscape character. In this location it is relatively fairly well related to the built form to the east, even though it does not have a particularly close correspondence to it. However, in terms of wider views, the proposed development would be seen in the context of other development. In terms of location, only one building is proposed and it is sited within the field to be against an existing field boundary on a lower lying position, where views will be reduced. Subject to consideration of roofing material details and an adequate landscaping scheme to increase the height of adjacent hedgerows, it is considered that the proposal will have an acceptable impact on local landscape character and will not harm the natural beauty of the AONB.

It is noted that application 01/00388/FUL, which was for a similar proposal on this site, was withdrawn, pending a recommendation of refusal due to its scale, size and position and associated impact on the AONB. In this case, though, the proposed development is of a smaller scale, the former comprising a much larger covered cattle yard and silage clamp, large concrete apron and slurry store. This was also further to the south, spreading over to separate fields. The proposed building is considered to have a much reduced impact and have a better relationship with existing field boundaries.

### Local Amenity

Other than considering the principle of the development and impact on landscape character, the main concerns raised in relation to this application are regarding the impact on the residential amenity of local residents, the nearest of which are occupiers of Higher Beetham Farm and a number of converted buildings within part of the original farm site. These range from just over 120m to 160m away from the proposed building. These mainly relate to the impact of the proposal as a result of the potential odours from the occupation of livestock, as well as major concerns that pollution from the site could contaminate local groundwater, which feeds springs that provide the private water supply for a number of the local properties and the adjoining farm.

The main reason for refusing the previous scheme was the impact of odours on the dwelling and caravan park, to the north west of this revised site. In this case, it is not considered that such a harmful impact would be expected from the proposed development. It is now a significant distance from the original properties that were considered to be affected, although it is closer to other dwellings to the east. Despite this relationship to other properties, it is noted that their distance is greater than the other properties. Furthermore, there is also a working farm with currently used agricultural buildings, situated immediately adjacent to the neighbouring residential units. This existing agricultural holding is located directly between the application site and the neighbouring properties. For this reason, the Council's Environmental protection Officer does not consider it appropriate to recommend refusal and as such has no objection to the proposal.

It is also specified that there are expected to be about 60 head of cattle housed in the building and they will be accommodated on loose straw bedding (referred to as 'loose housed', which will mean that separate slurry and associated dirty water is not created at a level requiring separate storage facilities. This building is cleaned, usually once or twice a year, and the resultant farm yard manure is spread on the land in accordance with normal agricultural practice. This practice is currently exercised on the land in the vicinity, although the farm yard manure is brought onto the land from other buildings on the applicant's holding. In the Environmental Protection Officer's initial comments, reference was made to Environment Agency advice which indicates that 400m is believed to be the physical separation that will provide sufficient distance for odours to be adequately dispersed so they should not impact on amenity of nearby residential

properties. This however is advice in relation to intensive pig and poultry installations, as contained within the EA's working draft document '*Guidelines for developments requiring planning permission and environmental permits*', published May 2012. This scheme is not an intensive operation and there is no reason to expect an agricultural building of this scale to be at such a distance from other non-agricultural properties. Planning permission is required for new or extended livestock buildings, where they will be located within 400m of a non-agricultural dwelling, as indicated by Part 5 Class A of the GPDO 1995. Applications will then be considered on their own merits to consider the impact on residential amenity.

Consideration has been given to the need for conditions to control the use of the building and the numbers of livestock that can use it. It is noted that while about 60 head of cattle are proposed, the previous application suggested between 95-100 cattle. The building is slightly smaller than previously proposed but in this case, based on guidance within "*The Agricultural Budgeting and Costing Book*", the building capacity is between about 75 and 95 head of cattle. This assumes a requirement to provide between 4-5 square metres floor area per animal, depending on type. Assuming that no more than approximately 95 head of cattle could be accommodated within the building, and considering that this is at a level likely to avoid unacceptable harm to residential amenity, taking into account site circumstances, it is not deemed necessary to restrict the numbers of cattle by condition. The applicant has however made clear that the proposed development is solely for winter accommodation, which is to be occupied between early November and mid April. In order to reduce the likelihood of odours affecting neighbouring properties, it is considered reasonable to impose a condition requiring that livestock are only accommodated between this period of time and that it shall only be used for cattle and not other intensive agriculture, such as poultry or pigs. Any future application for consent to relax such a condition could then be assessed on its own merits.

The other main concern related to the potential contamination of local groundwater and subsequent contamination of the private water supply to local residential properties. This is a matter of great importance but it is noted that the manner in which the livestock are proposed to be housed should mean that there should be no slurry produced and being covered, there is limited opportunity for dirty water run-off. All clean water from the roof is proposed to be harvested and could then be used in water troughs or go to a soakaway. Ultimately though, the control of waste and the appropriate provision of drainage, in regard to agricultural developments, are controlled by separate legislation, which is enforced by the Environment Agency and needs to be provided in accordance with guidance such as '*Protecting our water, Soil and Air: A Code of Good Practice for Farmers, Growers and Land Managers*.' In this document, it is advised that storage of liquid waste, field silage, fertilisers and application of livestock manures and dirty water should be at least 10m away from any field drains, ditches and surface waters; and at least 50m away from springs, wells and boreholes where water is used for human consumption or in dairy farms. This indicates that 50m is a satisfactory distance for the safe dispersal of such contaminants into the ground to avoid detrimental impact on surface water and water supply sources. The source of the springs providing local water supply is over 400m to the south east of the site, although attention has been brought to presence of the catchment area for the springs, which spreads across the fields immediately to the south of the application site. This catchment area is just over 150m to the south, however it is noted that the application site slopes down towards this. Nevertheless, the proposal is limited to a building, which if managed properly and in accordance with separate legislation, should not lead to dirty water contamination of surrounding land and includes no further development or storage for other contaminants. The Local Planning Authority have no control over how the site will be managed but are entitled to assume that it will be well managed and maintained in accordance with relevant legislation. For this reason, it is not considered reasonable to refuse planning

permission on these grounds. It is still however considered appropriate to impose a condition for the provision of details of foul and surface water drainage details to be provided and agreed, prior to commencement.

Further to the impact of agricultural buildings on residential amenity, it is noted that there is a Section 52 Agreement attached to the approval of the barn conversion on the neighbouring 'Higher Beetham Farm', which is also referred to by an objector. The objector states that when the barns were converted, there was a requirement to demolish some existing agricultural buildings and that no more buildings would be permitted on any of the Higher Beetham Farm land, part of which extends to the applicant's holding in the vicinity. It should be noted that this legal agreement does not prohibit the erection of new buildings but imposes the requirement to apply for planning permission to erect any new buildings. This does not mean that the owner of the land is not entitled to apply for new buildings and the impact of any proposed buildings can be properly considered.

### Highway Safety

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

The proposed building is to be located in a field that already benefits from an existing access and is already used in relation to the agriculture taking place on the land. The County Highway Authority did originally have concerns about the level of visibility out of the existing access but having considered that there is only envisaged to be one additional movement per day over winter months and any other movements are associated with existing activities, which don't require the benefit of planning permission. Therefore, taking into account the minimal increase in vehicle movements, no objection is raised.

### Conclusion

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

## **RECOMMENDATION**

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives of policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC2, EC3, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles and provisions of chapters 7 and 11 of the National Planning Policy Framework.



**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan SM1', received 8th May 2012 and 'Location Plan SM2', '1208/01', '1208/02', '1208/03', '1208/04' and '1208/05', received 17th May 2012.

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

03. No development shall be carried out on site unless particulars of the materials (including colour and finish) to be used for the roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. No development shall be carried out on site unless foul and surface water drainage details to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the area, in accordance with saved policies ST5, ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

05. No work shall be carried in relation to the development hereby approved 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. The landscaping scheme shall include a management scheme for the maintenance and improvement of existing field boundaries, as included in the Council Landscape Architect's comments dated 15th June 2012 and as agreed in correspondence dated 18th June 2012.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

06. The agricultural building hereby approved shall not be used for the accommodation of livestock except between 1st October in any one year and 30th April in the succeeding year.

Reason: In the interests of residential amenity to accord with saved policies ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

07. 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), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

Reason: In the interests of residential amenity to accord with saved policies ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

**Informatives:**

01. Drainage

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

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers".

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Area West Committee – 19<sup>th</sup> September 2012

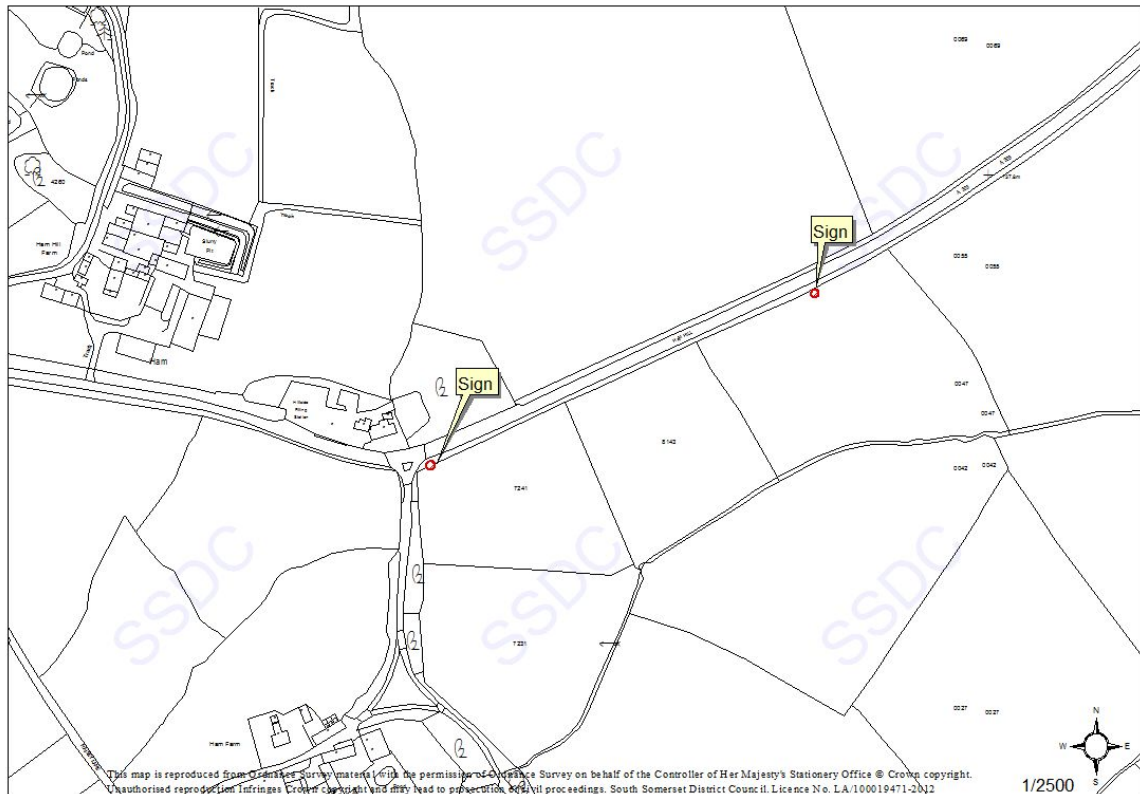
**Officer Report On Planning Application: 12/02390/ADV**

<b>Proposal:</b>	Display on 2 No. non illuminated directional signs (GR 329565/113258)
<b>Site Address:</b>	Land At Ham Farm Ham Farm Lane Combe St Nicholas
<b>Parish:</b>	Combe St Nicholas
<b>BLACKDOWN Ward (SSDC Member)</b>	Mrs R Roderigo (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	27th August 2012
<b>Applicant:</b>	Mr Ivor Hutchings
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Other Advertisement

**REASON(S) FOR REFERRAL TO COMMITTEE**

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, to consider the potential impact on highway safety and local amenity.

**SITE DESCRIPTION AND PROPOSAL**



The proposal is made to erect two advertisements on land to the side of the A303 for the purposes of advertising bed and breakfast accommodation at Ham Farm. Ham Farm is located along Ham Farm Lane, approximately 185m from the junction with the A303.

The two advertisements are directional signs and proposed to be provided on land within the ownership of Ham Farm. One sign (Advertisement 1) is proposed to be sited approximately 250m in advance of Ham Farm Lane and measure 625mm by 570mm and the other (Advertisement 2) is proposed on the junction itself, measuring 620mm by 160mm. Both signs are to be of timber construction with green text on a white background. The sign referred to as 'Advertisement 1' has already been erected on site.

The site is in open countryside and outside any defined development limits.

## **HISTORY**

No relevant history

## **POLICY**

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

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:  
STR1 - Sustainable Development  
Policy 5 - Landscape Character  
Policy 51 - Road Hierarchy

South Somerset Local Plan 2006:  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC3 - Landscape Character  
MS7 - Control of Advertisements

### Policy-related Material Considerations

National Planning Policy Framework:  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

Planning Circular 03/2007 - Town and Country Planning (Control of Advertisements) (England) Regulations 2007

South Somerset Sustainable Community Strategy (2008-2026):  
Goal 5 - High Performance Local Economy: A competitive, high performing economy that is diverse, adaptable and resource efficient.  
Goal 11 - Environment: Protection and enhancement of our material environment and biodiversity.

## CONSULTATIONS

Parish Council: No objections.

SSDC Technical Services: No comment.

Highway Agency: The signs will not be prominent from the A303. The Highway Agency has no objections to this proposal.

County Highway Authority: 26th July: I refer to the above mentioned planning application received on 9th July 2012 and following a site visit on the same day I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the display of two non-illuminated signs.

As you will no doubt be aware, the positions where the signs will be located will be on or in close proximity to highway which is the responsibility of Somerset County Council, in addition to the A303 whereby the Highway Agency is responsible as such I would recommend that they are consulted with regard to this application.

The A303 is designated as a Trunk Road and is noted under Policy 51 of the Somerset and Exmoor National Park Joint Structure Plan as a National Primary Route and carries a significant volume of traffic on a daily basis. The signs will also be located in close proximity to the junction Ham Farm Lane, which has a history of road traffic accidents on and around the junction. Therefore this is not a location where the Highway Authority would welcome non-highway related signage that could distract drivers and also set a precedent for further applications in this location for additional (unnecessary) signage.

I therefore raise objection to this proposal for the following reason.

The proposed signs are considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size detailing and proximity to the public highway and the nearby junction.

28th August 2012: In terms of the accident records these would need to be obtained from a separate department as there is a charge. However I had a look again this morning and there are four accidents in total (three slight and one serious, which is further down from the site) of course these are the reported incidents and does not include 'near misses' etc.

The main concern from the Highway Authority was that by advertising this site the adverts would not only distract drivers on the A303, which potentially cause an incident but also if the site is advertised then it has the potential to increase the use of the existing junction onto the A303. This again has the potential to cause on incident with vehicles on the A303.

I know that you consulted the Highway Agency on this one and I don't think they raised objection. To be honest if it had been a direct access off the A303 to a property or farm we wouldn't have commented. But as there is an element of highway that comes under our control I had to put our concerns in writing.

SSDC Landscape Architect: I note the application for signage on land alongside the A303 near Ham Farm Lane.

There is national concern over increased amounts of signage in both town and country, and a drive coming from government to 'de-clutter' the environment. Official Highway signage along rural roads is unavoidable and accepted, though that is not to say that such signage could not be reduced, but that is a discussion for another day with County Highways and the Highways Agency.

In this instance, whilst neither large-scale nor illuminated, when combined with highways signs along this route corridor, these private signs would add to the visual clutter by the roadside. I view such signage as a negative element in this deeply rural setting. I do acknowledge that the impact is not significant, yet that does not provide a basis for landscape support.

## REPRESENTATIONS

The application has been advertised by site notice for the requisite period. No comments have been received.

## CONSIDERATIONS

### Principle of Development

The application relates to the provision of two advance directional signs to advertise bed and breakfast facilities at the nearby Ham Farm. Ham Farm is a working dairy farm, with tourist accommodation comprising two bedrooms within the house and further accommodation in a static caravan, which does not benefit from the express grant of planning permission. The proposed signs are both outside any defined development areas and in open countryside. They are also proposed on land adjacent to the A303, which is a trunk road.

Saved Local Plan policy ST6 states that development should *"preserve and complement the key characteristics of the location and should not cause unavoidable harm to the natural and built environment of the locality and the broader landscape."* Similarly, saved policy EC3 states that *"development outside development areas, which is otherwise acceptable, should not cause unacceptable harm to the distinctive character and quality of the local landscape."* Saved policy MS7 states that *"permission for the display of advertisements will be permitted where they are in keeping with the character of the surrounding area in terms of siting, design, materials, illumination and scale,"* as well as where they *"do not prejudice public safety."* In respect to applications for advertisements outside development areas, this saved policy specifically states that *"permission will only be granted in exceptional circumstances."* The policy highlights exceptional circumstances as when it is necessary in terms of highway safety to give advance warning to motorists. When considering such applications, the officer's decision should be made in the interests of 'amenity' and 'public safety'. Paragraph 67 (chapter 7) of the National Planning Policy Framework, also recognises the negative impact that poorly placed advertisements can have on the built and natural environment. However, this guidance supports control of advertisements only they would *"clearly have an appreciable impact on their surroundings."* The need to consider the interests of 'amenity' and 'public safety' is repeated.

Guidance within paragraph 153 of Circular 03/2007 does recognise that advanced signs for local tourist facilities, such as bed and breakfast facilities, can be a vital way of attracting potential customers, thus benefiting the local economy. If refused, this should be done on grounds of 'amenity' and 'public safety'. Paragraph 148 of this circular does however acknowledge that there are road safety issues in displaying advertisements alongside motorways and other trunk roads. The Highway Agency is the usual consultee

and it is stated that they are unlikely to support any application for an advertisement which could distract drivers. It is further stated that *"the road safety and amenity issues raised by these advertisements mean that it is unlikely that express consent to display them would be given."*

### Amenity

In regard to amenity, it is noted that the site is very rural in nature, being an isolated location largely devoid of adverts, other than official highway signage, which is prevalent along the A303, particularly around the proposed siting of 'Advertisement 2'. The Council's Landscape Architect has raised the issue of national concern regarding increased amounts of signage on roads and associated drives to de-clutter the environment. It is acknowledged that these adverts aren't particularly large in scale and aren't illuminated but it is considered that the cumulative impact of the proposed signs, along with existing highway signs along the A303, will have a negative impact on local amenity by way of impact on the character and appearance of the surrounding area.

### Public Safety

No information has been provided to offer any support for the proposal in terms of need for the advertisements or to indicate that they may be necessary for highway safety purposes, as required by saved policy MS7.

The Highway Agency have responded, raising no objection to the adverts, as they conclude that they will not be prominent from the A303. In contrast however, the County Highway Authority have raised a specific objection to the provision of these signs. The Highway Authority highlight the location of the proposed sign in close proximity to the junction of Ham Farm Lane and the A303, where they indicate that there is a record of road traffic accidents, on and around this junction. For this reason, it is recommended that the proposal be refused on the basis that non-official highway related signage could distract drivers and also set a precedent for further unnecessary signage in this location.

The Highway Authority's concerns have been questioned, particularly in regard to the accidents at the site. This has however been clarified and the Highway Authority still maintain their objection in regard to the potential impact on public safety at this point. It is acknowledged that the Highway Agency are the main consultee in relation to development affecting a trunk road but the County Highway Authority concerns are mainly in respect to the Ham Farm Lane, which meets the A303 at this point and is under the County Council's control.

### Conclusion

While signage for local tourist accommodation may in some circumstances be encouraged, there is no justification for the proposed signs in terms of need for highway safety purposes. In fact, their siting in this location on a trunk road, close to a junction with a history of road traffic accidents, is considered to be prejudicial to highway safety. Furthermore, the cumulative impact of the proposed advertisements, together with existing official highway related signage, along the A303 signs is considered to have a negative impact on the character and appearance of the local landscape to the detriment of local amenity. As such, the recommendation to Members is to refuse planning permission.

## **RECOMMENDATION**

Refuse.

**SUBJECT TO THE FOLLOWING:**

01. The signs are located outside any development areas, in open countryside where it is the Council's policy to restrict roadside advertisements in the interests of protecting the character and visual amenities of the area. In this case, it also considered that the cumulative impact of the proposed advertisements, together with existing official highway related signage along the A303, would have a negative impact on the character and appearance of the local landscape, to the detriment of local amenity. As such, the proposed development is contrary to the aims and objectives of policies STR1 and 5 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST5, ST6, EC3 and MS7 of the South Somerset Local Plan, the provisions of chapter 7 of the National Planning Policy Framework and guidance contained within Planning Circular 03/2007.
  
  02. The proposed signs are considered to be prejudicial to highway safety by virtue that it would be likely to distract, or confuse road users because of its size, detailing and proximity to the public highway (A303) and the nearby junction with Ham Farm Lane. As such, the proposed development is contrary to the aims and objectives of saved policy MS7 of the South Somerset Local Plan, the provisions of chapter 7 of the National Planning Policy Framework and guidance contained within Planning Circular 03/2007.
-