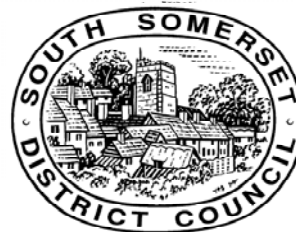


# South Somerset District Council

Notice of Meeting



## Area West Committee

*Making a difference where it counts*

**Wednesday 17<sup>th</sup> October 2012**

**5.30 pm**

**Merriott Village Hall,  
51 Broadway,  
Merriott,  
Somerset TA16 5QH**

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



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The public and press are welcome to attend.

Please note: Planning applications will be considered no earlier than 6.30 pm

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, 8<sup>th</sup> October 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

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## 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

Consideration of planning applications usually commences no earlier than 6.30pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

### Highways

A representative from the Area Highways Office will attend 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 and/or 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 17<sup>th</sup> October 2012

## Agenda

### *Preliminary Items*

1. **To approve as a correct record the minutes of the previous meeting held on 19<sup>th</sup> September 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*

<b>6.</b>	<b>Area West Committee - Forward Plan .....</b>	<b>1</b>
<b>7.</b>	<b>Area West Committee - Appointment of Members to Outside Organisations 2012/13 (Executive Decision).....</b>	<b>5</b>
<b>8.</b>	<b>Affordable Housing Development Programme .....</b>	<b>6</b>
<b>9.</b>	<b>Blackdown Hills Area of Outstanding Natural Beauty (AONB).....</b>	<b>12</b>
<b>10.</b>	<b>Area West – Reports from Members on Outside Bodies.....</b>	<b>16</b>
<b>11.</b>	<b>Feedback on Planning Applications referred to the Regulation Committee .....</b>	<b>17</b>
<b>12.</b>	<b>Planning Appeals.....</b>	<b>18</b>
<b>13.</b>	<b>Planning Applications .....</b>	<b>22</b>
<b>14.</b>	<b>Date and Venue for Next Meeting .....</b>	<b>23</b>

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council’s Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.**

Area West Committee – 17<sup>th</sup> October 2012

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

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter/Kim Close (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 2-4;
- (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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer</b>
21 <sup>st</sup> November 2012	Area West Development Work Programme Overview 2012-13	To present an overview of projects in the Area West Development Work Programme 2012-13	Andrew Gillespie, Area Development Manager (West)
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	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
21 <sup>st</sup> November 2012	Ile Youth Centre Management Committee (Ilminster)	Reports from Members on Outside Organisations	Cllr Kim Turner
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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer
19 <sup>th</sup> December 2012	TEN Performance Management System	The Performance Officer will attend the meeting to provide a refresher demonstration on the TEN performance management system.	Catherin Hodsmen, Performance Officer
19 <sup>th</sup> December 2012	Chard Regeneration Scheme	Progress reports to be given when significant milestones have been reached.	Andrew Gillespie, Area Development Manager (West) David Julian, Economic Development Manager David Norris, Development Manager
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 (Confidential Item)	Update report.	Adron Duckworth, Conservation Manager
16 <sup>th</sup> January 2013	Section 106 Obligations	Monitoring Report	Neil Waddleton, Section 106 Monitoring Officer
16 <sup>th</sup> January 2013	Area West Community Safety  Police Performance and Neighbourhood Policing	Report on activities and achievements of neighbourhood policing and partnership working to reduce crime and the fear of crime in Area West	Inspector Jackie Gold, Avon and Somerset Constabulary
Regular monthly reports	Community Grant Applications	To consider grant applications.	Paul Philpott, Community Development Officer Zoë Harris, Community Regeneration Officer Area Development (West)

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

Area West Committee – 17<sup>th</sup> October 2012

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

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal and Corporate Services  
*Service Manager:* Angela Cox, Democratic Services Manager  
*Lead Officer:* Jo Morris, Committee Administrator  
*Contact Details:* jo.morris@southsomerset.gov.uk or (01935) 462055

### **Purpose of the Report**

To confirm member appointment to the South Somerset Disability Forum.

### **Recommendation**

The Committee is asked to confirm the appointment of Cllr. Kim Turner as the Area West representative on the South Somerset Disability Forum.

### **Background**

At the last Area West Committee meeting under Chairman's Announcements, the Chairman reported that no appointment had been made from the Area West Committee to the South Somerset Disability Forum. Councillor Kim Turner indicated an interest in serving on the outside organisation and Members are asked to formally confirm the appointment.

### **Financial Implications**

None.

### **Implications for Corporate Priorities**

None.

**Background Papers:** None.

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Area West Committee - 17<sup>th</sup> October 2012

## 8. Affordable Housing Development Programme

<i>Strategic Director</i>	<i>Rina Singh (Place and Performance)</i>
<i>Assistant Director:</i>	<i>Martin Woods (Economy)</i>
<i>Service Manager:</i>	<i>Colin McDonald, Corporate Strategic Housing Manager</i>
<i>Contact Details:</i>	<i>colin.mcdonald@southsomerset.gov.uk or (01935) 462331</i>

### Purpose of the Report

The purpose of this report is to update members on the outturn position of the Affordable Housing Development Programme for 2011/12 in relation to Area West.

### Recommendation

The Committee are asked to note the outturn position of the Affordable Housing Development Programme for 2011/12.

### Public Interest

This report covers the provision of affordable housing in Area West over the past year and anticipates the likely delivery of more affordable homes being constructed during the current financial year. It will be of interest to members of the public concerned about the provision of social housing for those in need in their local area and of particular interest to any member of the public who is seeking to be rehoused themselves or has a friend or relative registered for housing with the Council and its Housing Association partners.

“Affordable” housing in this report broadly refers to homes that meet the formal definition that appears in national planning policy guidance (the ‘National Planning Policy Framework’). In plain English terms it means housing made available to people who cannot otherwise afford housing (owner occupied/mortgage or rented) available on the open market. Typically this includes rented housing (where the rent is below the prevailing market rate for a private sector rented property of similar size and quality) and shared ownership (where the household purchases a share of the property that they can afford and pays rent, also at a below market rate, on the remainder).

This report covers the level of public subsidy secured (which is necessary in order to keep rents at below market rates) and sets out where affordable housing has been completed. It does not cover the letting of the rented housing or the sale of the shared ownership homes; in short, it is concerned with the commissioning and delivery stages only.

### Background

The overall programme is achieved through mixed funding (Social Housing Grant [administered by the Homes and Communities Agency - HCA], Local Authority Land, Local Authority Capital, Housing Association [until fairly recently officially referred to as ‘Registered Social Landlord’ or ‘RSL’] reserves and S106 planning obligations) and the careful balancing of several factors. This includes the level of need in an area; the potential for other opportunities in the same settlement; the overall geographical spread; the spread of capacity and risk among our preferred Housing Association partners and the subsidy cost per unit.

A previous report was provided to the Area West Committee on 21<sup>st</sup> September 2011 which considered the expected outturn for the final year (2010/11) of the previous three year period (2008/11) and explained the changes in the nature of the funding programme administered by the HCA on behalf of central Government. This included the creation of a four-year contract for each registered provider (mainly Housing Associations) rather than bidding on a site-by-site or scheme-by-scheme basis, at least for the purposes of the main funding pot administered by the HCA on behalf of central Government. It also included the introduction of the new 'Affordable Rent' model whereby outcome rents on properties subsidised via the HCA are to be set at 'up to 80%' prevailing market rate for a comparable property, thus further stretching the available subsidy.

An annual update report on the programme was provided to the District Executive on 2<sup>nd</sup> August 2012. This also summarised the longer term trends looking at delivery over the past four years and the projected completions for the current financial year. One significant point for Area West was the confirmation that both Community Land Trust (CLT) schemes in South Somerset – at Queen Camel and at Norton Sub Hamdon – have secured funding from the HCA community-led housing fund, the proposed scheme for Norton Sub Hamdon being on a site straddling the boundary with Chiselborough.

In recent years a significant element of the affordable housing delivery programme has been produced through planning obligations within larger sites being brought forward by private sector developers. However the delivery of these is tied to wider economics, not least the developers view of prevailing market conditions and the speed at which they estimate completed properties will sell at acceptable prices. Typically the required affordable housing is agreed at the outset of larger sites, but delivered as the site progresses over a number of years.

### **2011/12 Outturn**

The outturn of the combined HCA & SSDC funded programme for 2011/12 for Area West is shown in part A of the appendix. This shows that 52 new homes have been built, of which 29 are new homes for rent and 23 are other intermediate products, chiefly shared ownership. Across the district we have achieved 348 new affordable dwellings, the second highest recorded total (after 2010/11). The delivery in Area West over the past year represents 19% of the district wide total.

Affordable housing in Area West has benefited over the past four financial years from a total investment of just over £ 10 million in public funds (N.B. for details of those schemes completed prior to April 2011, please refer to the appendix in the report submitted to the Area West Committee 21<sup>st</sup> September 2011). The majority of this came from the HCA as part of the last three-year funding programme (2008/11) and just under £ ¾ million came from SSDC. This includes the Yarlington scheme at Bonfire Close (phase iii), Chard and the Hastoe rural exception scheme at Tatworth, both of which completed in the last financial year but were funded from the 2008/11 programme.

The scheme at Maidenbeech, Crewkerne, includes some Homebuy units produced directly by Persimmon, the private sector developer, utilising 'kickstart' funding from the HCA. However these are not shown in the appendix and are additional to the 52 new homes cited above. The forty completed Crewkerne properties have all been passed on from Persimmon to Yarlington in accordance with the section 106 Agreement.

The eight Hastoe homes at Waterlake Road, Tatworth are now the most recently completed rural exception scheme in the district.

## 2012/13 Programme

Part B of the appendix shows only the confirmed schemes which will be on site during the current financial year, most of which will not complete until next financial year (2013/14). Part B shows those schemes in receipt of public subsidy and does not include any schemes which will produce the affordable homes through planning obligations alone, i.e. without input of any further public subsidy.

All but one of these funded schemes are in Chard. The exception is the CLT scheme at Norton sub Hamdon, to be developed by Yarlington Housing Association. This scheme is included here because the identified site straddles the boundary with the parish of Chiselborough and thus, strictly, comes under Area West even though the scheme is designed chiefly for the benefit of those with a local connection to a village in Area North. As reported to the District Executive in August, this scheme has been successful in securing funding from the HCA community-led housing fund. It is not part of the mainstream funding administered by the HCA and so Yarlington will not be tied to the terms of their current four-year contract. The HCA have also taken the unusual step of awarding funding to this scheme before it has secured planning permission. Without making assumptions about the planning process, it is not possible to state when the scheme will commence or complete but it has been included in Part B of the appendix for completeness sake.

The redevelopment of the Yarlington site at Kenn Close, Chard is the last of the former council PRC estates in Area West, following the completion of earlier phases of redevelopment in the Jocelyn Park area of Chard. Redevelopment not only allows for an increased number of dwellings (a net gain of eight) but also fulfils Yarlinton's obligation to bring the former council PRC homes up to a mortgageable standard (a promise made to tenants at the time of the ballot to approve the stock transfer), albeit by virtue of demolition and replacement.

The Yarlington scheme at Kenn Close and the Raglan scheme at Great Western Road (Phase I) are both 'confirmed' as part of the relevant Housing Associations four year (2011-15) contract with the HCA. This also means that there is an expectation from the HCA that the homes built will be let at the new 'Affordable rent' model of 'up to' 80% prevailing market rates.

Two further schemes, both with Raglan, have funding confirmed from the District Council, both in Chard. Funding for both schemes (just under £ 1 million in total) was approved through a formal portfolio holder report, following confirmation of the first batch of specific schemes under the new HCA four year programme. Our strategy has always been to deploy the council's capital subsidy in part to help lever in other funding (such as the HCA programme and slippage opportunities) and in part to address the aspects of housing need otherwise least addressed through the other routes (such as HCA funding and planning obligations). All the indications were that Chard remains the location in the district with the greatest mismatch between current demand and confirmed new supply. Hence a significant proportion of the Council's remaining funds were approved to be deployed in Chard.

In total the four sites will produce 108 new homes (net gain 85, of which 61 will be for rent), 98 of which will be in Chard. 67 of these new homes (62% of the total) will be delivered by Raglan and the remainder by Yarlington. It is anticipated that just under two thirds (67 homes) will be completed next financial year 2013/14 (although it is worth noting that the scheme at Norton sub Hamdon is still subject to planning permission and may not complete until 2014/15).

Although likely to be reduced from the 35% set out in policy due to viability issues, a significant level of new affordable housing is due to be produced through planning obligations on the key sites in Crewkerne and Chard. However at the time of writing this report there is no guaranteed start date on either of these sites, hence no dwellings have been included in the appendix.

### **Future programme prospects**

Given the level of funding currently available from the HCA and the fact that Housing Associations are now tied to the details of their four-year contracts, the prospects for additional schemes within Area West for the remainder of the 2011/15 funding period are uncertain. If any further schemes are forthcoming it is likely these will either be through one of the smaller specialist funds announced from time to time by the Government and administered by the HCA, or through capital funding from the Council.

It is likely that the affordable housing element brought forward through planning obligations on qualifying sites, possibly supplemented by further grant subsidy where site viability dictates, will contribute a significant proportion in any future programme. There is less certainty about the precise timing of any such obligated affordable housing as developers will only bring forward sites at a time and a pace that suits their view of current market conditions, i.e. dictated by the specific economics of the site.

In recent years the district has benefitted from the additional housing brought forward by Yarlington when redeveloping the PRC sites. As reported above, the last of these sites in Area West (Kenn Close, Chard) is due to complete shortly.

The delivery of affordable housing in future years across the district will be reduced, even with deployment of funds available to the District Council as subsidy, unless there is a significant upturn in the wider housing market improving the appetite of the private sector to fasten the pace of house building in general, and thus the delivery of obligated affordable housing in turn.

### **Financial Implications**

The majority of development schemes are undertaken over two financial years, sometimes even longer. Payment to Housing Associations has traditionally been undertaken in tranches and not until the site (or phase) is fully completed is the final payment made. Recently the HCA had indicated it's intention to move towards payment at completion only, but it has recently rescinded this announcement and returned to a two tranche approach. In either scenario, it does not necessarily tie the District Council down to the same pattern.

The level of SSDC capital funding and land allocations is shown in the appendices. However this does not indicate the size of the overall programme, including the newly created rural housing fund. The main contingency funding has traditionally been held back to meet operational requirements, such as "Bought not Builts" for larger families, mortgage rescue and disabled adaptations specifically designed for clients where opportunities do not exist in the current stock.

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

All affordable housing in receipt of public subsidy, whether through the HCA or from the Council, has to achieve the minimum code three rating within the Code for Sustainable Homes.



## Equality and Diversity Implications

All affordable housing let by Housing Association partners in South Somerset is allocated through Homefinder Somerset, the county-wide Choice Based Lettings system. Homefinder Somerset has been adopted by all five local housing authorities in the County and is fully compliant with the relevant legislation, chiefly the Housing Act 1996, which sets out the prescribed groups to whom 'reasonable preference' must be shown.

## Implications for Corporate Priorities

The Affordable Housing development programme clearly provides a major plank in addressing "Focus Three – Homes" and in particular meets the stated aim:

*"With partners, enable additional new homes to meet the needs of the district, including mixed housing schemes to buy or rent that are affordable."*

and the major statement in the Plan:

*"We want decent housing for our residents that matches their income"*

**Background Papers:** *Area West Affordable Housing Development Programme  
Area West Committee – 21<sup>st</sup> September 2011*

*Affordable Housing Development Programme: East Street,  
Chard (report to Portfolio Holder)  
Executive Bulletins no.s 519 & 520 – 13<sup>th</sup> & 20<sup>th</sup> April 2012*

*Affordable Housing Development Programme: Great Western  
Road, Chard, Phase II (report to Portfolio Holder)  
Executive Bulletins no.s 530 & 531 – 29<sup>th</sup> June & 6<sup>th</sup> July 2012*

*Affordable Housing Development Programme  
District Executive – 2<sup>nd</sup> August 2012*

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## Appendix

**Part A: Combined HCA & SSDC Programme completions during 2011/12**

Housing Association	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	completion
Yarlington	Bonfire Close, Chard Phase 3 (infill)	3	1	4	4	£211,500	£9,000	£0	£202,500	May-11
Yarlington	Maiden Beech, Crewkerne	20	20	40	40	£0	£0	£0	£0	Mar-12
Hastoe	Waterlake Road, Tatworth	6	2	8	8	£510,000	£0	£0	£510,000	Apr-11
<b>Total</b>		<b>29</b>	<b>23</b>	<b>52</b>	<b>52</b>	<b>£721,500</b>	<b>£9,000</b>	<b>£0</b>	<b>£712,500</b>	

**Part B: Combined HCA & SSDC Programme anticipated completions 2012/13 onwards**

Housing Association	Scheme Name	Rent	Shared Ownership/ Intermediate	Net Gain New Homes	Total Homes for NI 155 purposes	Total Grant	Level of grant from SSDC	SCC Funding	Level of grant from HCA	Anticipated completion
Yarlington	Kenn Close	0	8	8	21	£739,024	£0	£0	£739,024	Nov-12
Raglan	Great Western Road	32	14	46	46	£801,943	£0	£0	£801,943	Jun-13
Raglan	Great Western Road, Phase 2	9	0	9	9	£460,000	£460,000	£0	£0	Jul-13
Raglan	East Street	12	0	12	12	£488,000	£488,000	£0	£0	Jan-14
<b>Chard totals</b>		<b>53</b>	<b>22</b>	<b>75</b>	<b>98</b>	<b>£ 2,488,967</b>	<b>£948,000</b>	<b>£0</b>	<b>£1,540,967</b>	
<i>Yarlington + CLT Minchinton Close, Norton-Sub-Hamdon (CLT)*</i>		<i>8</i>	<i>2</i>	<i>10</i>	<i>10</i>	<i>£420,000</i>	<i>£0</i>	<i>£0</i>	<i>£420,000</i>	<i>TBC</i>
<b>Overall Total</b>		<b>61</b>	<b>24</b>	<b>85</b>	<b>108</b>	<b>£2,908,967</b>	<b>£948,000</b>	<b>£0</b>	<b>£1,960,967</b>	

\* CLT scheme at Norton sub Hamdon – site straddles boundary with Chiselborough and thus, strictly, within Area West. Scheme has been awarded HCA community-led grant prior to full planning permission being obtained.

## 9. **Blackdown Hills Area of Outstanding Natural Beauty (AONB)**

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

### **Purpose of Report**

To update members on the work of the Blackdown Hills AONB partnership during the last 12 months.

### **Public Interest**

This report provides an annual update on the activities and projects that are taking place within the Blackdown Hills, particularly in relation to the work that happens within or close to South Somerset. Through the Area West Committee, South Somerset District Council is one of 6 local authorities that provide funding for the AONB partnership.

### **Recommendations**

That members note the report.

### **Background**

The Blackdown Hills Area of Outstanding Natural Beauty (AONB) is a distinctive and diverse rural landscape stretching from the M5 in the north to Honiton and Axminster in the South, and from Chard in the east to Culmstock in the west. The Blackdown Hills were designated an Area of Outstanding Natural Beauty in 1991 after the Countryside Commission's landscape assessment judged the Blackdown Hills landscape 'to be outstanding due to the subtle combination of four characteristics'.

These characteristics that make the Blackdown Hills so special are:

- An isolated, unspoilt rural area
- Diversity of landscape patterns and pictures
- A unique geology
- A landscape with architectural appeal

The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area; this includes the distinctive landscape, wildlife and cultural heritage. An AONB also encourages social and economic well-being of its local communities; promotes sustainable development and has regard to the needs of recreation.

There are six South Somerset parishes within or partly within the AONB. They are Buckland St Mary, Broadway, Combe St Nicholas, Tatworth & Forton, Wambrook and Whitestaunton.

## **AONB Management and Funding**

The AONB is managed by a partnership which is made up of six local authority core funding partners, other public bodies, the 41 parish councils with the AONB, community organisations and voluntary groups.

South Somerset District Council, along with the five other local authorities that sit within the AONB (Devon County Council, East Devon District Council, Mid Devon District Council, Taunton Deane Borough Council and Somerset County Council) has statutory duties in relation to the Hills.

These duties include being involved in the preparation and review of the five-year Management Plan, with the current plan covering the period 2009-2014.

In addition the six Local Authority partners contribute 25% of the core funding to cover the running costs of the staff team; with the other 75% coming from Defra. This funding ratio is fixed by Defra and the level of core funding is agreed through a Memorandum of Understanding which covers a 3 year period. Through the Area West budget, SSDC has agreed to contribute £6000 per annum in the period 2011- 2014. Like all other public sector organisations the AONB team has experienced cuts in recent years.

Councillor Ros Roderigo represents SSDC on the Partnership Management Group. Zoe Harris represents SSDC on the Officers Support Group.

## **Projects specific to South Somerset**

### **Hedgerow Event, Wambrook**

In November the AONB team is organising a demonstration on hedgerow management for wood fuel, following research carried as part of a major European project involving other AONBs in the South West and French partners. The event will be held at Wambrook and include talks and a demonstration of hedgerow management techniques. The event is aimed at farmers and land managers.

## **AONB wide activities and projects in 2012/13**

### **Website**

The AONB provides a very useful and informative website providing a wide range of information suitable for both residents and visitors to the Blackdown Hills. The website is updated regularly and includes the following information:

- Things to do – an events diary, places to visit, routes for walking, cycling and horse riding including downloadable maps.
- Community – places to eat, community grants, links to parish websites.
- Looking after – advice on planning, climate change, light pollution and landscape guidelines.
- Volunteering – information about volunteer opportunities.
- Explanation of the AONB and how it is managed.

Visit the website at [www.blackdownhillsaonb.org.uk](http://www.blackdownhillsaonb.org.uk)

### **The Blackdown Hills Countryside Volunteers**

A wide range of voluntary and community groups carry out activities within the AONB and are often looking for volunteers to help them. Likewise people living in and around the Hills often ask how they can help and get involved in countryside activities.

With money from the Lottery the AONB were able to set up a volunteer hub. Potential volunteers can register online via the AONB website and they will get matched with appropriate volunteer vacancies. In addition conservation groups can advertise volunteer days. A number of charities are involved in the scheme including Somerset Wildlife Trust, Blackdown Hills Walking Group, Butterfly Conservation and the Neroche Conservation Volunteers.

### **Countryside Events**

The AONB team organise a year round calendar of events. These are advertised through the website and via a brochure which is printed twice a year. The events for this coming autumn and winter include a number of activities within South Somerset, such as guided walks and workshops to make hedgerow chairs and Christmas decorations. There are also a wide range of events happening very close to Chard such as campfire cooking in the woods, orienteering, hedge laying courses, green woodworking courses and even an event combining art and dance which includes dancers from the Royal Ballet performing in Stockland.

### **Blackdown Hills Heritage Day**

On Saturday 29<sup>th</sup> September the team organised a day of activities that focused on the wealth of heritage the AONB has to offer, the event included:

- Displays and talks on farm buildings, Wellington Monument, Dunkeswell's American airbase, mining, Tithe maps and old photographs.
- Guided walk explaining the history of the Castle Neroche Hill Fort
- Iron Age living at Whitestaunton – re-enactment of the life of the Dumnonii tribe in the Blackdown Hills during the Iron Age.
- Medieval pot making
- Tour of the Dunkeswell Abbey ruins with an expert guide
- Hedges & Houses – a guided walk around Stockland explaining how agriculture has shaped the Blackdown Hills.
- Landscape painting in a Camden style – a day of painting at Ringdown Nature Reserve in the style of the Camden artists who painted in the area 100 years ago.

### **What makes a view?**

The AONB's main field trail, as part of the CORDIALE European programme, is a study of views of the Blackdown Hills to, from and within the AONB. This study will work with communities to identify these key views and what makes them special, and also to inspire them to value their local landscapes. It will create a robust planning and management tool to aid decision-making and help retain and enhance the views identified, as well as devise a system for monitoring landscape change.

### **Design Guide for Houses**

Produced by the AONB team, this is a very informative guide suitable for planners, developers and residents wishing to make alterations to their properties. The guide is available on the website and the Area West Planning team have been given a box.

### **BBC Country File**

In March 2012 the BBC filmed a large part of one episode of Country File in the Blackdown Hills. Unfortunately the weather was not great but the programme generated enough interest for hits on the website to increase from an average of 400 a day to 2600 a day in the period just after the programme was broadcast.

## **AONB Funding Schemes**

The AONB runs two grant schemes for the local community and businesses.

### **Sustainable Development Fund (SDF)**

£27,000 was available to distribute to small community projects in 2012/13, most of this money has now been allocated.

### **Making it Local (Local Action for Rural Communities)**

This RDPE (Rural Development Programme for England) funding programme for rural businesses and communities comes to an end in December 2013. The programme is no longer accepting applications for large grants but is still open for small applications of between £1,000 and £10,000, the deadline for applications is 12<sup>th</sup> November 2012. In September Making it Local delivered a funding advice session aimed at small businesses in Chard.

## **Financial Implications**

The agreed financial contribution of £6,000 per annum can be funded through existing budgets.

## **Implications for Corporate Priorities**

The environment is Focus 2 of the SSDC Council Plan, by working in partnership with the Blackdown Hills AONB addresses Focus Two of the SSDC Council Plan which is the environment.

With the addition of the 'Making it Local' grant the Blackdown Hills AONB helps SSDC meet their corporate aim to and Increase economic vitality and prosperity.

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

The Design Guide for Houses includes information on energy conservation and alternative forms of energy in relation to residential properties on the Blackdown Hills.

## **Equality and Diversity Implications**

The Blackdown Hills AONB works to ensure that people with limited mobility can enjoy the countryside easily via easy access trails.

**Background Papers:** *Area West Committee October 2011*  
*Area West Committee September 2009 agenda and minutes*

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Area West Committee – 17<sup>th</sup> October 2012

## 10. Area West – Reports from Members on Outside Bodies

*Strategic Director:* Rina Singh (Place and Performance)  
*Assistant Director:* Helen Rutter / Kim Close (Communities)  
*Service Manager:* Andrew Gillespie, Area Development Manager (West)  
*Lead Officer:* Andrew Gillespie, Area Development Manager (West)  
*Contact Details:* andrew.gillespie@southsomerset.gov.uk or (01460) 260426

### Purpose of the Report

To introduce reports from members appointed to outside bodies in Area West.

### Public Interest

Each year Area West Committee appoints local Councillors to serve on outside bodies (local organisations) in Area West. During the year Councillors make a report on the achievements of those organisations and other relevant issues.

### Background

Members were appointed to serve on eight outside bodies at the June 2012 meeting. Although “Reports from members on outside organisations” has been a standing agenda item for some considerable time, it was agreed at the August 2012 meeting to include specific reports about each organisation in the Committee’s forward plan.

### Reports

Reports can be verbal or written. There is no standard format, but if possible they include an explanation of the organisations aims, their recent activities, achievements and any issues of concern.

This month there will be member reports on:

- Crewkerne Leisure Management (Cllr Angie Singleton)
- Ilminster Forum (Cllr Carol Goodall)

### Recommendation

That the reports be noted.

### Financial Implications

None.

### 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.

***Background Papers:*** None

Area West Committee – 17<sup>th</sup> October 2012

**11. 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 – 17<sup>th</sup> October 2012

## 12. 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 Dismissed

**Misterton** – Erection of one and a half story detached dwellinghouse with rooms in roof plus associated garage, driveway and access (GR345454/108388), Land to North of Broughtons, Broughtons Drive, Misterton, Crewkerne, Somerset – Mr and Mrs S Lyus.

The Inspector's decision letter is attached at pages 19-21.

#### Notification of Public Inquiry

The public inquiry will be held on 16<sup>th</sup> – 19<sup>th</sup> October 2012 at the Guildhall, Chard at 10.00am.

**Application No:** 11/04212/FUL

**Proposal:** Development of 61 residential dwellings with associated vehicular and pedestrian access, landscaping, site re-grading and related infrastructure and engineering works (GR 331600/108500)

**Location:** Land at Mitchell Gardens (Snowdon Farm), Shepherds Lane, Chard, TA20 1QU

**Background Papers:** None

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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 September 2012

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**Appeal Ref: APP/R3325/A/12/2175132**

**Land off Broughtons Drive, Misterton, Crewkerne, Somerset, TA18 8LP.**

- 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 and Mrs S Lyus against the decision of South Somerset District Council.
  - The application Ref. 11/04199/FUL, dated 13 October 2011, was refused by notice dated 21 December 2011.
  - The development proposed is the erection of a dwelling and associated garage, access and driveway.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The two main issues are: the effect upon the character and appearance of the area and; whether any harm arising from the need to travel by car would be outweighed by the inclusion of 'green' technologies as part of the scheme.

### Reasons

#### *Character and Appearance*

3. This 0.5ha site comprises a paddock alongside the appellants' house. It lies outside the development boundary for Misterton as defined in the adopted South Somerset Local Plan (LP). For planning policy purposes it is treated as forming part of the countryside surrounding the village. Within such areas, LP policy ST3 and policy STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (SP) provide strict control over new development, limiting it to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel.
4. As I noted during my site visit, public views of the appeal site are limited. However, its largely unspoilt open qualities form part of the attractive rural surrounds to the village. The site also provides a pleasing break in development between the rows of houses along Broughtons Drive and the appellants' existing house which is located some distance to the south east.
5. The proposed dwelling would be designed to a high standard and landscape planting would be undertaken as part of the scheme. However, this sizeable new house and its access driveway, parking/turning area and ensuing domestic paraphernalia, would considerably erode the pleasing, unspoilt open qualities of the site and unacceptably erode the above noted break in development. The scheme would detract from the rural character and appearance of the area.

6. My attention has been drawn to other housing that has been permitted in and around the village. This includes residential development that was allowed on appeal at the Concrete Works in Mill Lane (Ref. APP/R3325/A/06/2031727). Whilst this site also lies outside the defined development boundary, as the address implies, it has a very different character and appearance to the site which I am considering. The circumstances of this previous appeal are materially different to the case before me and this previous decision does not set a precedent that I am bound to follow.
7. I also note the housing schemes permitted by the Council at the Coal Yard and 'the former Bradfords site'. Unlike the site before me, the Coal Yard is situated within the development boundary for the village and appears to comprise previously-developed land. The bulk of 'the former Bradfords site' also comprised previously-developed land within the development boundary and is a major development scheme. I also understand that the area of land that lies outside the development boundary is to comprise informal play space. Both of these schemes are materially different to the one before me.
8. I have determined this appeal on its own merits. Nevertheless, if permission was granted for housing on this site without adequate justification it could make it difficult for the Council to resist other housing schemes on neighbouring land. As this is an area which is clearly subject to pressure for housing development, an approval could undermine public confidence in the LP and result in cumulative harm to the character and appearance of the area.
9. I conclude on the first main issue that the proposal would harm the character and appearance of the area and conflict with the provisions of LP policies ST5 and ST6 and SP policy STR6.

*Need to Travel/'Green' Technologies*

10. Residents of the proposed dwelling would largely be dependent upon the use of a car for accessing main services and facilities, such as employment and shopping. The proposal would therefore increase the need to travel by private motor vehicle. Whilst on the face of it this would also appear to conflict with the relevant provisions of the above development plan policies, the site is literally a 'stones throw' from the development boundary. In transport terms, the village is deemed a sustainable location for new housing and yet residents of housing on such sites as the Coal Yard and 'the former Bradfords site' would be equally reliant upon the use of a car as occupiers of the proposed dwelling. It is very difficult therefore to identify/quantify harm arising from the need to travel in the appeal scheme compared to nearby permitted housing schemes.
11. Any harm arising from the need to travel should also be weighed alongside the 'green credentials' of the scheme. This includes the use of a ground source heat pump, a roof integrated solar thermal system and roof mounted photovoltaic panels. These 'green' technologies would all assist in reducing the carbon footprint of the proposed dwelling.
12. I conclude on the second main issue that any harm arising from the need to travel by car is likely to be outweighed by the inclusion of 'green' technologies as part of the scheme.

*Other Matters*

13. The appeal site was identified within the Council's Strategic Housing Land Availability Assessment (SHLAA) as having a potential capacity for 25 dwellings. However, this is a tool to assist local planning authorities make strategic decisions about their future housing land supply. The SHLAA states that "*Inclusion of a site within the SHLAA does not mean that planning permission will be granted for housing development as policy considerations have not been applied in the same way as they would be should an application be submitted.*" The identification of the site as part of the SHLAA does not convey any tacit approval for the appeal scheme.

*Overall Conclusion*

14. My findings in respect of the second main issue does not overcome or outweigh the harm that I have identified to the character and appearance of the area. I therefore conclude that the appeal should not succeed.

*Neil Pope*

Inspector

Area West Committee – 17<sup>th</sup> October 2012

### 13. 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 – 17<sup>th</sup> October 2012

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

The next scheduled meeting of the Committee will be held on Wednesday, 21<sup>st</sup> November 2012 at 5.30 p.m. at the Henhayes Centre, South Street Car Park, Crewkerne.

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## Planning Applications – 17<sup>th</sup> October 2012

### Planning Applications will be considered no earlier than 6.30pm

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.20pm.

#### 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	12/02823/FUL	The installation of an extended 7.6MW photovoltaic array.	Parsonage Barn, Stocklinch Road Whitelackington	Solar Century
48	CHAFFCOMBE	12/00011/FUL	The erection of 2 No. poultry buildings with associated infrastructure and the removal of existing earth bunds and construction of a new earth bund.	Land OS 5954 Part Chaffcombe Chard	Mr R Lanning
71	CREWKERNE	12/02967/FUL	Change of use of ground floor from A2 (Financial and Professional) to A5 (Hot Food Takeaway)	1-3 East Street Crewkerne Somerset	Mr Shi Yun Chen
78	COMBE ST NICHOLAS	12/02927/FUL	Alterations and the erection of a two storey rear extension, single storey side extension and veranda	Bereta Underway Combe St Nicholas	Mr & Mrs Roderigo

Area West Committee – 17<sup>th</sup> October 2012

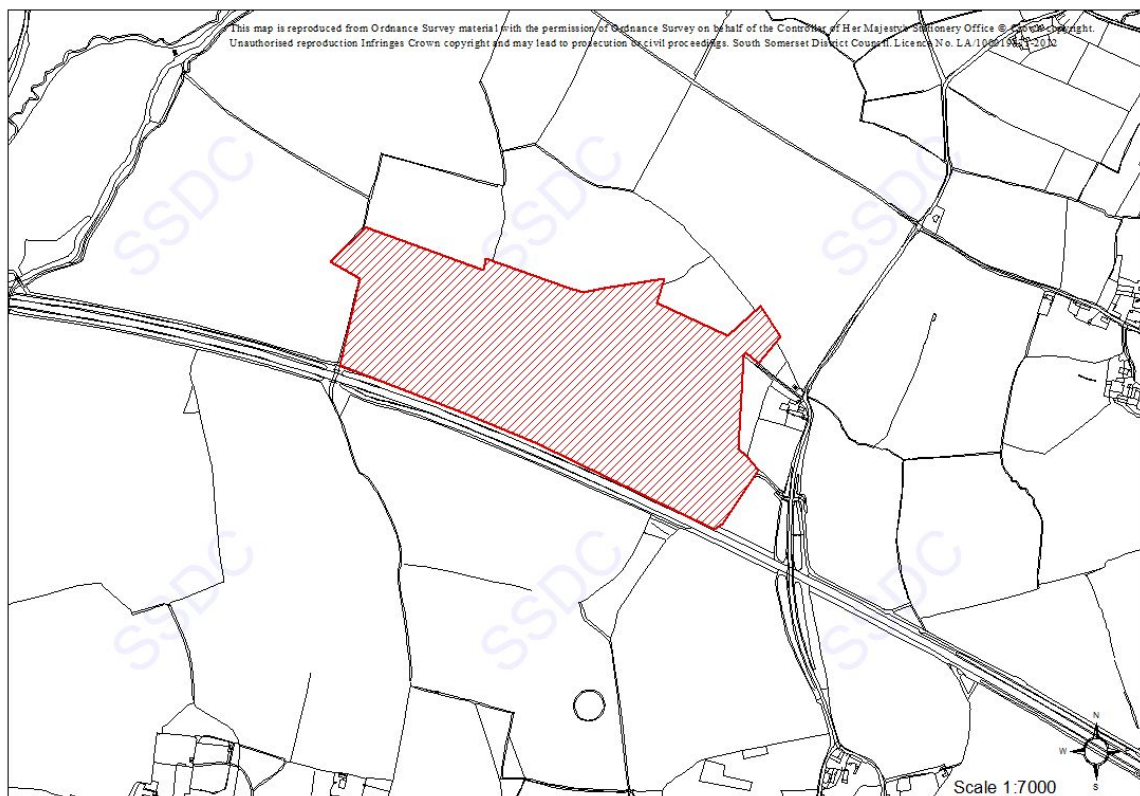
**Officer Report On Planning Application: 12/02823/FUL**

<b>Proposal:</b>	The installation of an extended 7.6MW 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 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. The application was considered by the Committee at their last meeting but was deferred in order to allow for the reconsideration of the landscape strategy and to enable the Landscape Officer to attend the Committee.

**SITE DESCRIPTION AND PROPOSAL**





The application site sits 1km to the north-west of Whitelackington, adjacent to the A303 Ilminster By-pass. The site is 20.23 hectares (50 acres) and comprises one large rectangular field with part of an adjoining field to the north. 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 originally proposed to cover approximately 20 hectares with 40800 (7.6MW) solar panels on fixed frames (1.92m high) with an additional 5 inverter buildings. Since the last Committee meeting the plans have been amended so that a smaller number of panels are now proposed (31200) with the site being reduced from the northern boundary and slightly extended to the west along the A303. 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 7.6MW with the array expected to generate approximately 7 -8 million kWh a year; sufficient for an average consumption of approximately 1500 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. The Council's mapping system show the site as being Grade 2 and Grade 3 agricultural land, however, this is not the most up to date information and details have been received from the agent to show that the land is now designated as Grade 3a and 3b agricultural land.

## **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**

In response to original plans

### **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 (adjoining Parish):-**

'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.'

The Parish Council has submitted (04/10/2012) details of the response to a questionnaire that was distributed through the village. The responses show:-

- 98% of the respondents object to the proposal, 88% objecting even with screening.
- Should permission be granted all wish that the planting and bunding be installed before the array.
- All want the applicant to manage weeds and ragwort on the site.
- 98% want funds to be held to cover reinstatement of the site after 25 years – suggested £1,000,000.
- 98% wish site traffic to be banned from using the village.
- 95% request the use of evergreen screening; use of mature trees.
- 95% want the Dillington estate to agree not to apply for any extension to the array
- 88% want double the planting
- 80% want bunding
- 80% support moving the farm as far south as possible.
- 73% supported reduction of the array
- 71% agreed that a contribution of 2% be made to Stocklinch for community use

#### **Cllr Derek Yeomans (Ward member for Burrow Hill that includes Stocklinch)**

In response to amended plans:-

'I have looked at all the details and the amended plan, and though the area covered and effectively sterilised for agriculture for 25 years by this application is in my opinion very undesirable and misguided, the strictures imposed by the NPPF are such that the planning rationale support this type of use of valuable agricultural land for energy generation. I have studied the actual horizontal distance between the perimeter of the panel edges and it is 6 meters plus, so there should be no need for herbicidal spraying to keep down weeds and brushwood growth as this width is well within the operational use of a normal tractor and topper. The use of herbicides for controlling growth should be forbidden in the conditions, as it also destroys habitat and invertebrates and will impact on the biodiversity. The new proposed screen is welcomed as is the consolidation of the panels area. I am very concerned about the potential for glare which will be had to mitigate until the native species of hedging is sufficiently high to mitigate the effect Hazel, Blackthorn Hawthorn, Dogwood Field Maple etc. are not rapid growth plants and will take 3 years or so to get to height. The maintenance of these hedges and replacement of damaged plants must be attended to rigorously, which I am sure will be stated in the conditions.

I don't like the plan which is considered over development and intrusion into the open countryside, but we need power back up as our energy needs increase. However it is clear that the earning capacity given the reduction from 10mW to 7.7 mW, and the reduced acreage of the panels along with the extra screening and planting demonstrate an understanding on the part of the applicants that they are aware of local concerns and the need to make this extraneous intrusion blend in as much as possible. Therefore on a finely balanced judgement I feel that now this is just acceptable and that permission should be given under tightly drawn and enforced conditions.'

**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.'

In response to the amended plans, the Landscape Officer has commented:-  
'I welcome this amended layout for;

- (a) it reduces the depth of the array, which better relates it to the A303 corridor, and creates a greater distance between it and Stocklinch;
- (b) it now resides primarily within a single field (which is host to the current array) to better correspond to the landscape pattern, and;
- (c) it will benefit from greater enclosure by having an established hedgerow along much of its north boundary - to facilitate visual containment.

With regard to the landscape layout, this has been adjusted to correspond to the new layout. It also amends the planting layout so that the main planting block is enlarged to provide a greater planting intervention to views between Stocklinch and the proposed array; and it proposes a number of the bounding hedges to be allowed to draw-up, to form an interim visual buffer to views from the north. I view both as a positive response to concerns around visibility in principle, though I will be seeking some fine-tuning of both the proposed species matrix, and the hedge management regime, to enhance the screening capability.

I am satisfied that the overall balance of the landscape proposal is one that marries with the wider landscape pattern, such that it will play down rather than draw attention to the presence of the array. In that respect, the proposal is correct in avoiding both bunding proposals, and conifer planting, both of which would be quite incongruous, and thus unacceptable in this rural landscape.

Whilst the overall landscape view remains finely balanced, the detailed comments of my consultation response of 8 August stand as before.'

**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.'

A condition is recommended to ensure that further details of the swale (such as a detailed landscape plan and swale cross-sections) are submitted prior to construction.

**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 i.e. 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.'

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'.

Officer Note: With regard to the possible reflection of noise from the A303, it is noted that the panels are on lower ground than the road; south facing and angled at 25 degrees. Following discussions with Environmental Health it is considered that the panels are unlikely to amplify and focus the existing noise towards the north. On this basis, bearing in mind existing background noise from the A303, it is not considered that any undue increase in noise attributable to the panels would be experienced to the north.

**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.'

**Senior Historic Environment Officer (SCC):-**

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

Any comments regarding the amended plans will be reported at the meeting.

**REPRESENTATIONS**

Thirty letters of objection have been received, including a lengthy submission from a resident of Stocklinch, 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 (letters include reference to a number of research papers to support this assertion). Should it be proven that noise is increased the site should be dismantled.
- 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.
- Particular concern raised about the view from The Lynchets which forms the setting to the 'Upper Church'.

- Concerned about the lack of consultation with local residents.
- A number of large schemes have been refused in other parts of the Country.
- Concerned that the photos presented at Committee were taken from advantageous angles so have submitted photos from various around the site.
- Concerned about weed control on the land under the array – ragwort is of special concern
- Concerned about sheep grazing on the land and the need to comply with animal welfare regulations.
- Due to the size of the array it will become a landmark for aircraft and this will result in noise and nuisance.
- The panels will require cleaning which could impact upon local water supply.
- The construction of the site will result in large numbers of lorry movements

One letter of support has been received, summarised as follows:-

- As a close resident to the site who is to add support for the project as we should encourage local carbon, renewable sources of energy and also diversification of farm income.
- Do not believe glare would be inappropriate (presumably Highways Agency would object if it was).
- Like the site of the current array.
- Believe proposal is a viable option alongside light agricultural use such as stock grazing.
- Changing to grassland habitat can only be beneficial.
- Objections smack of 'nimby-ism', rely too heavily on alarmist rhetoric and have little hard evidence to corroborate claims.

One letter of representation has been received which is an email copy of an exchange between the writer and the agent regarding possible alterations/additions to the scheme. These include suggestions that the site to be extended to the east; use of bee hives at site edges; consideration of planning gain for residents of Stocklinch; and digging out a lake.

Consultation in relation to the amended plans runs to 16 October 2012 and any new comments will be reported at the meeting.

## **APPLICANTS CASE**

The applicant has written in response to objections making the following comments:-

- The proposal is not of an unprecedented size; 12 schemes of between 7MW and 27MW already have planning permission under the ROC (Renewables Obligation Certificate) regime.
- The existing site is 4.8 acres not 3 acres and does benefit from planning permission.
- Have been involved in consultation with the Parish Council (first contacted 14 June 2012).
- Estate is not planning to graze sheep, a FWAG (Farming and Wildlife Advisory Group) report will be submitted.
- To see the view from the Lynches it is necessary to trespass.
- In terms of lorry movements - the panels, framework and inverters will arrive on 65 lorries. Fencing and plants may be a further 4 lorries. The track way will be require a further 15 or so aggregate lorries. There is no requirement for cranes or concrete foundations; the framework is piled. There will be contractors on site for 2-3 months; this might amount to 12 cars and vans in and 12 out per day. The majority of the existing farm vehicle traffic that would have used the lane to access the site for farming will cease over the next 25 years.



- Bimonthly cleaning is carried out only on soiled panels when all the array is covered by CCTV and those panels can be identified. Typically there is no requirement to clean the panels comprehensively other than once a year with ionised water.

## CONSIDERATIONS

This application is seeking planning permission to significantly enlarge the current PV array on the site from 600KW to a 7.6MW 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 31200, 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 with the potential for low-level grazing (there is a 4m gap between the rows). The land underneath would be treated for weeds and regularly maintained through cutting if it is not grazed; this would address the concerns about management of ragwort.

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 and a bond as suggested by the Parish Council is not considered reasonable. 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 (12/02170/EIASS) 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.

The amended plans show a reduction in the size of the array with the panels to be located in fields that run alongside the A303. A 300m length of 40m wide woodland planting (all of native species) is proposed along the centre of the northern boundary to provide additional screening. The amended landscaping plan also includes a coppice of trees 150m to the north of the site with two additional areas of woodland planting to the east of the site. Whilst it has been suggested that evergreens be used the Landscape Architect considers these would be alien to the location and would not in any event provide greater screening than the substantial native species planting proposed.

A line of tree planting is proposed 150m to the north of the site to run along the entire length of the site. All the hedges will be left to grow for two seasons with the flail raised thereafter. Existing trees within the hedgerows will be selected and allowed to grow through the hedge. The red line around the site has also been increased to include 600 metres of hedgerow to the west to allow this to be included within the landscape mitigation plan; the hedge will be 'drawn up' by management to around 4m - 5m high.

Whilst the Parish Council request for advance planting is noted it is not considered reasonable to insist that this happen given the delays that this would entail. Furthermore the planting schedule specifies sizable specimens which would provide suitable screening within a reasonable timeframe.

### **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 landowner). 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.

### Other Issues

It has been suggested that the developer provide a 2% contribution to the local community, unfortunately there is no policy justification for such an obligation and it is unclear why this would be necessary to make the development acceptable in planning terms.

### 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 HAZEL-DILLI-001 Rev H (Site Location Plan), HAZEL-DILLI-001 Rev L (Proposed PV Layout) and Drawing No. 486/01 P7 (Landscape Mitigation Plan) received 5 October 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 P7 (Landscape Mitigation Plan) received 5 October 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 the duration of this permission the trees and shrubs shall be protected and maintained in accordance with the landscape maintenance specification on Drawing No. 486/01 P7 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. The existing hedges shall be maintained in accordance with the maintenance regime set out on Drawing No. 486/01 P7 and 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.

Reason: In the interests of visual amenity and 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 as 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.

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.
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Area West Committee – 17<sup>th</sup> October 2012

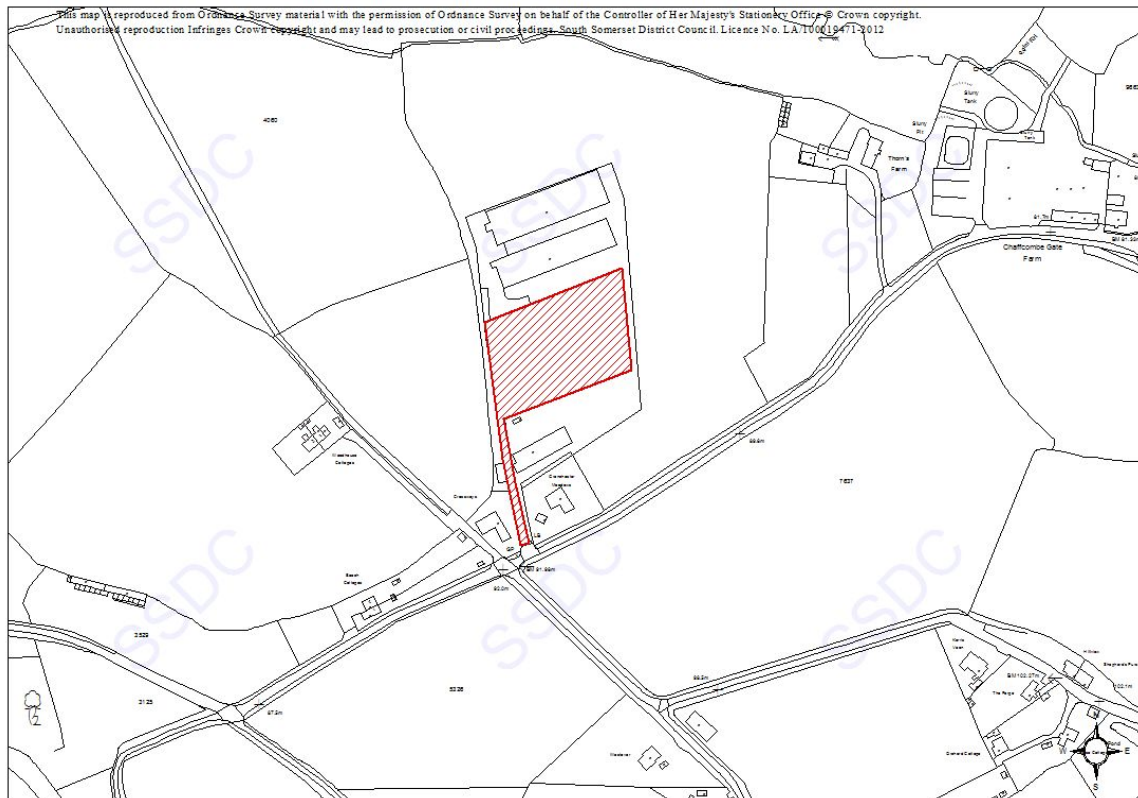
**Officer Report On Planning Application: 12/00011/FUL**

<b>Proposal:</b>	The erection of 2 No. poultry buildings with associated infrastructure and the removal of existing earth bunds and construction of a new earth bund. (GR 334602/110502)
<b>Site Address:</b>	Land OS 5954 Part Chaffcombe Chard
<b>Parish:</b>	Chaffcombe
<b>WINDWHISTLE Ward (SSDC Member)</b>	Ms S Osborne (Cllr)
<b>Recommending Case Officer:</b>	John Millar, Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	11th May 2012
<b>Applicant:</b>	Mr R Lanning
<b>Agent: (no agent if blank)</b>	Mr James Whilding Acorus Addlepool Business Centre, Woodbury Road, Clyst St George, Exeter, Devon, EX3 0NR
<b>Application Type:</b>	Major Other f/space 1,000 sq.m or 1 ha+

**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, due to the high level of public interest and to consider the potential impact on local amenity.

**SITE DESCRIPTION AND PROPOSAL**



This application relates to an existing poultry farm to the north side of Cricket Lane, Chaffcombe. The site is in open countryside and is located in close proximity to several residential properties, neighbouring farms and Chard Reservoir Nature Reserve, which starts approximately 300m to the south west. There are two existing large buildings on site, housing approximately 72,000 birds for broiler rearing, as well as a dilapidated timber shed to the far south of the site and the footings of previous redundant and demolished poultry buildings.

The application is made for the erection of two new poultry buildings to the south of the existing ones and of a similar size, measuring approximately 76m by 20m and with a height of just over 5.2m. These will hold around 64,000 additional birds, increasing the overall output to 136,000 bird places. The buildings are to be of steel framed construction and clad with box profile polyester coated steel sheeting (Vanduke Brown) to the sides and timber cladding to the gable ends. The roof is also proposed to be a box profile polyester coated steel, finished in a 'Goosewing Grey' colour. It is also proposed to replace an existing earth bund with a new one.

## HISTORY

09/02648/EIASS: EIA Screening and Scoping Request - EIA Required.

94/00323/FUL: The erection of a poultry house - Refused.

93/00339/FUL: The erection of two poultry houses and a Dutch barn - Refused.

810454: The erection of a broiler house for fattening chickens on land at Granchester Meadows, Chaffcombe Chard - Conditionally approved.

781140 - Renewal continued use of land as site for caravan at "Crossways", Chaffcombe - Conditionally approved.

761795 - Use of land as site for caravan at "Crossways", Chaffcombe - Conditionally approved.

62980/A - Erection of a poultry house - Approved.

92980 - Erection of 4 poultry houses - Approved.

## 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 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC5 - Locally Important Sites

EC8 - Protected Species

EP2 - Pollution and Noise

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 1 - Building a Strong Competitive Economy

Chapter 3 - Ensuring 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

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 material environment and biodiversity.

Environment Agency Guidance:

Guidelines for Developments Requiring Planning Permission and Environmental Permits  
- Working Draft (May 2012)

## CONSULTATIONS

**Parish Council:** With reference to the above planning application Chaffcombe Parish Councillors have considered the plans and have no objections to the proposal. However they would like the concerns which have been raised by several residents of Chaffcombe to be taken into consideration including:

- Concerns about drainage;
- Concerns about the water supply to the village being affected;
- Concerns about the increase in traffic;
- Concerns about the smell and possibly noise;
- Four sheds is enough for this site.

**SSDC Technical Services:** No comment.

**County Highway Authority:** The proposal relates to the extension of the existing poultry farm, which consists of the erection of two new poultry buildings.

The proposed development will utilise the existing access to the farm and surrounding highway network. The applicant has indicated that A358 is 1.2km from the site, however it is noted that the roads linking the site with the A358 are below the standard carriageway width with no passing places. Therefore the Highway Authority would have concerns over any proposal which would result in a significant increase in vehicle movements.

As part of the Environmental Statement the applicant has provided details on the existing and proposed levels of vehicle movements that would be associated with this proposal. From the details provided the applicant has indicated that the proposed extension would result in an additional 4 vehicles (8 movements) per week. Having discussed the submitted details with Somerset County Council's Traffic Analyst I am satisfied that the submitted details can be considered acceptable.

Therefore it is unlikely that the proposed extension will result in a significant increase in vehicle movements over and above existing levels, therefore it would be considered unreasonable to raise an objection on this element of the proposal.

In regards to the internal site arrangements the proposal will utilise the existing turning area which is considered to be acceptable. In addition, a new concrete apron has been provided at the front of the new buildings. This should be able to provide parking and also act as a passing place for vehicles which are associated with this proposal.

Therefore to conclude although the point of access and approach roads are considered to be constrained it is unlikely that the proposal would result in a significant increase in vehicle movements whilst the internal site arrangements are considered to be acceptable. Therefore I raise no objection to this proposal.

**Wessex Water:** The site lies within a non sewered area of Wessex Water. New water supply connection will be required from Wessex Water to serve this proposed development.

**Environment Agency: 9th March 2012:** The Environment Agency has no objections to the proposed development but wishes to make the following comments.

If roof water is lightly contaminated with dust it must go to a soakaway or swale not directly to the watercourse to prevent pollution.

Before stocking birds at the proposed, increased number, the applicant will need to vary their current Environmental Permit (issued by the Environment Agency) to ensure that the increased activity on site is compliance with current legislation. This process can take up to 4 months from when the application to vary the Permit is duly made. To apply for a variation the applicant must contact our National Permitting Team on 03708 506 506.

If it is intended to import inert waste for the creation of the new earth bund then the proposed development may require a Waste Management Licence or an exemption. This must be obtained from the Environment Agency prior to any development commencing.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

**14th August 2012:** Additional letter received from Environment Agency clarifying the Agency's role in controlling odours and other nuisance in the case of permitted sites. It is confirmed that in the event of unreasonable residual odours, it will be necessary for the operator takes further measures to reduce the odour pollution, even where appropriate measures or 'best available technique' is otherwise in place. Failure to do so may lead to the operator having to reduce or even cease operations. Ultimately, as part of the EA permit, the operator is required provide an 'Odour Management Plan' (OMP) and failure to comply with this may result in enforcement action being taken, with prosecution and permit revocation in serious cases.

**SSDC Economic Development:** I have had the opportunity now to read this application and submit my comments which are from an economic perspective. Chaffcombe Poultry Farm is a significant business providing fresh poultry meat under contract. The economies of scale are such that to best utilise the site, management and existing infrastructure, an expansion programme is planned, hence the need for this application. As an economic officer I fully understand the need to ensure that the economies of scale are utilised to the best effect. This application will initially provide expenditure in the local

economy whilst it is being built, increase employment opportunities and help to ensure that the applicants business remains viable. Economically, I am supportive of this application.

**SSDC Ecologist: 28th February 2012:** I'm concerned about the possible detrimental impact of ammonia emissions and nitrogen deposition on the wildflower meadows at Chard Reservoir Local Nature Reserve and don't believe there's sufficient information to assess this.

Chard Reservoir is an SSDC owned and managed site and its northern boundary is about 300m to the south west of the application site. The site is designated both as a 'Local Nature Reserve' and as a 'Local Wildlife Site'.

Local Plan policy EC6 states:

Development proposals which may have a detrimental effect on local nature conservation and geological interests, including those sites designated as local nature reserves (INRS), county wildlife sites (CWSS) or county geological sites (CGSS), will only be permitted where other material considerations outweigh the harm that would be caused to the substantive nature conservation or geological value of the site.

The southern part of the reserve (about 1km from the application site) includes 3 fields that have been managed for some time (over 15 years) as wildflower meadows. The botanical diversity of these fields is good and would be sufficient to qualify them as a Local Wildlife Site independently of the reservoir and surrounding woodland. The site manager considers their quality to have improved in recent years (as a result of the annual hay cut and removal of arisings) and has observed an increase in the number of orchids.

Nitrogen deposition is known to reduce botanical diversity in hay meadows and any significant increases could have a detrimental effect, contrary to policy EC6 and to PPS9.

The Environmental Statement includes a modelling assessment of ammonia concentrations and nitrogen deposition. However, the receptors used in this model are located only along the northern edge of the Chard Reservoir site and don't extend to the habitats that I consider to be more sensitive to impact.

I recommend further information is requested on predicted increases in ammonia concentration and nitrogen deposition over the meadows. In addition to the meadows in the southern part of the site, there is also a grassland Local Wildlife Site adjoining the east of Chard Reservoir site (and closer to the application site) that could be similarly affected.

I also have other criticisms of the modelling assessment. The screening assessment set the critical level at 1 microgram of ammonia and commented that the background level of 3.2 micrograms already exceeds the critical level. I would argue that the critical level of 1 microgram is probably set too low. It is based on 'raised bog and blanket bog' which is indeed a sensitive habitat but is not present at Chard Reservoir. It is likely that other habitats that do exist at Chard Reservoir have a higher critical level that may not yet have been exceeded by background levels.

Within the application site, provided there's no removal of hedges, I don't have any particular concerns and would be content for the applicant to directly adhere to the recommendations of the consultant ecologist, and to not impose any conditions in this respect.

**2nd April 2012:** Following my previous response, I have further considered the accompanying information (particularly the Ammonia Dispersion Modelling Assessment by Scott Wilson, October 2010) and have also used web based information sources (APIS and SCAL) to further assess the potential for harm to the wildflower meadows at nearby Chard Reservoir Local Nature Reserve.

I found the level of information in the Environmental Statement and modelling assessment to be misleading or based on inappropriate data, and insufficient to assess the impact upon the local wildlife site:

1. The modelling assessment referred to more sensitive habitats (blanket bog) that aren't present at Chard Reservoir and came to the conclusion that background levels of atmospheric ammonia and nitrogen deposition already exceeded critical loads for this habitat.
2. Receptors for the modelling assessment were placed only along the northern edge of Chard Reservoir and there didn't appear to be any information relating to nitrogen deposition levels that would occur to the wildflower meadows at the southern end of the reservoir.

The critical levels of nitrogen deposition for neutral unimproved grassland are 20-30 kg/ha/yr. Background estimates seem to range from 21kg to 28kg. It appears the proposed development would add around another 0.1kg to this level. On this basis, I think it would be difficult to argue that this rather small increase represents a significant detrimental impact. I therefore have no objection.

**SSDC Landscape Architect:** I have reviewed the above application seeking to construct two further poultry buildings alongside the existing poultry buildings on land to the north of Cricket Lane.

The site is currently characterised by two existing poultry sheds at the northern end of the plot, and a poultry house that appears to be derelict, at the southern end, in close proximity of an established residence. The site gently rises southeast from a shallow valley, and is relatively unobtrusive in the wider landscape, shielded in part by an established hedgerow to the west, and the general topographical surround. Whilst there are seasonal views toward the site from east - the higher elevation of Cricket Lane - and from the road and right of way to the west during the winter, it is primarily from Cricket Lane and Main Street that the site has a year-round visual profile.

The proposal indicates the two buildings infilling the space between the existing structures on-site. Recognising the sheds will have a greater visual profile, a bund is indicated to the south of the proposal, along with retention of the existing planting. Whilst the proposal has some merit, it is not sufficiently substantive, for the southernmost (derelict) poultry house is indicated for retention, thus aggregating proposed built form, and limiting the potential for both adequate bunding and planting. I also note that the existing trees to the southeast corner are primarily birch, which have little screening value. Consequently, I would advise that if the proposal is to be viewed as acceptable from a landscape standpoint, the following revisions are necessary;

- (1) removal of the derelict poultry house;
- (2) an extension of the bund across the southern end of the site, and;
- (3) additional planting over the bund, of local native species, at thicket densities.

To that end, I would advise the following conditions, if you are minded to approve –  
 (a) a detailed, extended ground modelling plan for the bund, and;

(b) a detailed planting plan.

Noting also that the boundary hedge is not in the ownership of the applicant, and that there are mature oaks in that hedge which are potentially vulnerable to a change in the ground conditions, you may wish to speak with Phil about the need for a tree protection plan, which may also determine the permissible extent of new hardstanding/track to the west of the new poultry housing.

**SSDC Environmental Protection Unit: 29th February 2012:** I find that I have to recommend refusal of this application, due to the potential for odours to cause a loss of amenity to residential properties neighbouring this site.

Although the existing site is regulated by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2010, the controls in place with regard to odour and noise are not concerned with loss of amenity to neighbouring residential properties.

The condition contained within the above permit relating to odour will allow the operator of the poultry farm to cause odours so long as he can show that he has used appropriate measures, including, but not limited, to those specified in any approved odour management plan, to prevent or where that is not practicable minimise the odour.

This condition does not prevent odours.

On the 28th February I visited the site in question, on that day there was a north westerly light breeze, of three properties I visited, two were subjected to odours.

The level of odour present was not such that a nuisance was being caused with regard to the Environmental Protection Act 1990, so no formal action would be available to the District Council Environmental Protection Team, but personally the level of odour was such that I feel it would detract from the enjoyment of the properties concerned i.e., loss of amenity which through the planning process we are concerned with.

This application is looking to increase the number of birds kept on the application site, with the introduction of two additional units being erected closer still to existing residential properties, thereby increasing the potential for odours to cause a greater degree of loss of amenity.

The applicant has submitted an Odour Dispersion Modelling Report, in support of his application.

This report assumes that the existing level of odour is acceptable and uses it as a baseline for its findings should permission be granted, as I have previously stated the existing level of odour already impacts on the amenity of local properties, to increase this impact I believe could lead to complaints.

**2nd April 2012:** The site currently operates under a permit issued by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010.

This permit places a number of requirements on the operator of the site to deal with odours and noise, but like the Environmental Protection Act 1990, the level of control that is placed, will not protect from loss of amenity.

The planning process is concerned with the loss of amenity.

My original comments still remain valid, with regard to recommending refusal.

8th May 2012: I acknowledge the odour dispersion modelling report submitted with this application, but need to point out that in this case the report is based on odour emission factors i.e., a numerical values based upon assessments by olfactometry of samples from vents etc, from a number of different livestock installations.

The figures are based on limited data and are therefore very imprecise, they are, however useful in providing an approximation of odour emissions.

In addition to the above, my own assessment of odours from the existing units differs greatly from the reported levels in the above document.

The modelling report states:

*Existing poultry operations at the farm lead to predicted odour concentrations that are not high enough for the odour to be identified by the nearest local receptors.*

I have visited the area on a number of occasions since the submission of this planning application, and the majority of times I have witnessed odours affecting residential properties in the area.

The report goes on to say:

*Predicted odour concentrations would remain well below the benchmark criteria at the majority of selected receptors with the proposed new sheds in place.*

As previously stated a number of receptors i.e. residential properties are already affected.

In the case of odour, pollution is considered in terms of causing offence to the sense of smell, i.e. causing annoyance to people who live in the area or are there for some other reason, through exposure to odour.

The point, at which pollution in the form of offence to the sense of smell is occurring, is taken to be the point at which there is reasonable cause for annoyance.

I already believe there is reasonable cause for annoyance.

The Environment Agency EPR sector guidance note for intensive farming makes reference to a separation distance of 400m as the generally accepted separation distance of sitting agricultural buildings from residential in terms of odour control.

It is regarded that physical separation will provide sufficient distance for odours to be adequately dispersed to such a degree that there will be no impact on amenity of nearby residential properties.

I continue to believe that this application should be refused.

## **REPRESENTATIONS**

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

- 15 letters of objection have been received from local residents objecting to the proposal mainly on the basis of increased impact on residential amenity as a result of increased odours and noise, potential for dust and pathogens to be emitted from the proposed extraction units to surrounding land and property, highway safety issues relating to large vehicles using a substandard, narrow lane, poor quality on-site access and the potential for damage to a bridge on the approach to the site and the village of Chaffcombe, impact on local landscape character, local protected species and locally important habitats and tourist sites, such as Chard Reservoir and the potential impact on local water supply and drainage. It is particularly noted that existing smells and late night noises are considered to be unacceptable by several local residents and that the increase in capacity will make these existing problems much worse.

- 3 letters have been received in support of the application on the basis that the existing smells will not be made worse due to the up-to-date modern technology being proposed in terms of ventilation/extraction, the proposed development is in character with the area and impacts consistent with country life, the proposal will benefit the local economy and also that there are other local farms that produce much more offensive odours. It is also indicated that the existing site is well run with high standards of animal welfare.
- A further letter has been received which broadly supports the proposal but has raised some of the concerns raised earlier but also made suggestions to amend the scheme and improve the proposal such as resisting the buildings slightly to the north to increase the distance from the nearest properties, ensuring that regular checks and maintenance are carried out in relation to the ventilation systems, having deliveries and other similar vehicle movements take place during the day rather than at night, arrange for harvesting of roof water for cleaning to minimise main water usage and also install a digester to minimise generation of organic waste.

## CONSIDERATIONS

### Principle of Development

The proposed development relates to the expansion of an existing poultry farm by erecting two new poultry sheds with a capacity of approximately 64,000 birds to bring the overall poultry numbers to about 136,000. The site is in open countryside and outside of any defined development areas but being the expansion of an existing rural enterprise, both local and national planning policies support this type of development in principle. The increase in the capacity is considered to be beneficial for the local economy, in terms of improving the viability of the existing business, providing employment and initially providing expenditure into the local economy during construction.

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

### Local Amenity

The site is located in relatively close proximity to several residential properties in the immediate vicinity, as well as other agricultural units. At present, the existing buildings are approximately 125m from the nearest property, Granchester Meadows, with the new buildings coming within 50m of this property. The proposed buildings will also be closer to other nearby residential properties.

A large number of objections have been raised in regard to the potential increase in odours and noise as a result of the new buildings and activities being carried out on the site. In particular, it has been highlighted that the existing operations generate unacceptable smells at certain times, meaning that nearby residents have to shut their windows and are unable to enjoy being outside. It is also noted on occasions that the noise of existing ventilation systems, deliveries and other onsite operations are a problem, with disturbance occurring at unsociable hours i.e. at night. Concerns also exist over the potential for contaminated dust and other emissions from the ventilation system.

In regard to noise and smells in particular, the objectors' comments are acknowledged and the concerns raised are generally shared by the Local Planning Authority, particularly as a result of the proximity of the new buildings to existing residential

properties. The Council's Environmental Protection Officer is concerned enough to register an objection to the proposal. Despite these concerns, the applicant has provided a detailed odour analysis that indicates that existing poultry operations at the unit lead to predicted odour concentrations that are not high enough to be identifiable by the nearest receptors and that the baseline predictions are likely to be within a range that rural communities are likely to consider to be acceptable. It is mentioned that the nearest receptor, Granchester Meadows and Thorn's Farm may experience occasional perceptible impact during extreme meteorological conditions but these would not occur on a regular enough basis to cause unacceptable problems. There is some concern that local residents and even the Council's Environmental Protection Officer have experienced odours, even though it is indicated that this should not happen.

However, whether there are existing odours or not, the application proposes significant investment in buildings and equipment of the highest standard, which have been designed by using 'Best Available Techniques' (BAT) to avoid or reduce emissions of both odour and noise. Previous applications for new poultry buildings were refused in the 1990s, on the basis of unacceptable smells and noise, although it is also accepted that improvements have been made in terms of design and effectiveness of ventilation equipment, etc. It is argued by the applicant that despite the concerns raised by the Council's Environmental Protection Unit, the operation is of a scale that means it falls within The Environment Agency's (EA) environmental permitting regime and as a result issues of pollution control are the remit of the EA, not the Local Planning Authority. In this case, a revised permit has already been granted by the EA and this includes conditions requiring emissions from activities on the site to be free of odours and noise or where not practicable, to minimise them. Concerns have been raised about the effectiveness of these conditions but the EA have provided additional information, clearly indicating that they have the power to control and where appropriate, enforce against unacceptable levels of odour or noise. The permit conditions require the agreement of an odour and noise management plan, which will prevent unacceptable smells.

The Local Planning Authority do have some concern still that there are existing odours that could be seen to be impacting of residential amenity in that they are causing a level of annoyance that is preventing local residents from fully enjoying their properties, however on balance, it is felt that it would be unreasonable to refuse permission on the basis that the EA have indicated that their legislation should be effective in controlling unacceptable odours and noise. The EA have issued a working draft document for dealing with application of planning permission where a permit is also required and this shares guidance included within paragraph 122 of the National Planning Policy Framework and case law in this area that the relevant controlling regime is the best judge of the acceptable level of impact and that the Local Planning Authority should assume that these regimes will operate effectively. While, it may be argued that the Local Planning Authority are the determining body for this planning application, the presence of the permit and the EA controls must be ascribed significant weight. Effectively, the Local Planning Authority have no power to control or enforce against pollution emanating from the existing or proposed development, therefore if the proposal is granted planning permission, it would not be appropriate to impose any conditions relating to these issues and that any future complaints should be directed to the EA, who have confirmed that they can deal with these issues appropriately. In this case, it is not considered appropriate to come to any conclusion other than to support the proposal.

Other modelling has been carried out in regard to ammonia dispersal and nitrogen deposition, and it is predicted that increased levels will be insignificant. As for dust levels, the high specification ventilation and extraction system should prevent unacceptable levels of dust being dispersed, with above average annual concentrations of poultry dust not expected beyond 100m from the source. Overall, it is not considered that there



should be any adverse affect on residential amenity from the limited emissions from the poultry buildings.

In terms of drainage, it is indicated that dirty water will only be generated during the times when the sheds are cleaned out but it is proposed that a dirty water tank will be provided, as is currently used in conjunction with the existing buildings. Clean water will be collected and discharged to the local watercourse, as per the existing arrangements. The existing and proposed measures are considered to be acceptable.

It has been stated that there is a problem with water pressure locally during times of high demand on the farm, which may be further exacerbated by the proposal. The applicant has advised that he is not aware of the any issues but there are measures that could be taken to deal with this if it is a problem. It is advised that the unit has a 24 hour water supply to adhere to their strict audits and these tanks could be filled up at night when there is low demand, if necessary and used when demand is at its peak. This is however not considered to be an issue of major concern in relation to this application and no conditions are considered to be appropriate. It is also noted that Wessex Water have advised that the area is non-sewered and that a new water supply connection will be required. An informative shall be imposed to this effect.

### **Landscape Character and Ecology**

The proposal will lead to the provision of two new large buildings, including associated structures such as feed silos and hardstanding. However, the development will be sited in an existing area closely related to the existing building and well related to other surrounding development. There is relatively good planting cover, with mature tree and hedges to the west boundary, although it is understood that these are not under the applicant's ownership. To reduce roadside views from the south, a bund is proposed. The Council's Landscape Architect has not raised any objection in principle but has requested that an existing dilapidated chicken shed in the south west corner of the site is removed to both reduce built form on site and also increase the potential for improved bunding and planting. The applicant has agreed to the request to remove the shed and increase the size of bunding and associated planting. The final details may be conditioned in the event of approval. Overall, it is not considered that the proposal will have any significant landscape impact, subject to appropriate landscaping measures. No comments have been received from the Council's Tree Officer in relation to the impact of proposed development on the trees in the west boundary hedge, however there is a good distance between the trees and the new buildings and hardstanding, with an existing track already in place along the side of the hedge. A tree protection plan will however be requested to ensue that construction vehicles, materials and equipment don't harm these trees.

In ecological terms, it is noted that a badger sett had been identified in the west boundary hedge and also that this hedge could be utilised by bats, birds and other protected species, however the proposal should not impact on the hedge and as a result any species should not be disturbed. The Council's Ecologist has raised no objections in regard to impact on protected species. It is advised that an informative could be imposed to ensure that the consultant ecologist's recommendations should be adhered to. It is considered prudent to impose a condition to this affect.

The site is close to Chard Reservoir, which is a 'Local Nature Reserve' and 'Local Wildlife Site'. This area includes several wildflower meadows, which are sensitive and may be detrimentally impacted by increased nitrogen loading and ammonia concentrations. As observed earlier however, it is shown that there should only be a minimal increase in ammonia concentration and nitrogen deposition over these

meadows. The Council's Ecologist considers that it would be difficult to argue that the small increase would represent a significant detrimental impact. As such, there are no objections on ecological grounds.

### **Highway Safety**

The site is accessed from the A358 via a relatively road network that is recognised by the County Highway Authority as being below standard carriageway width and with no passing places, as such there would be concerns about increased traffic movements in relation to the development. Several of the objections have raised this concern too, as well as referring to the narrow width of the site entrance and also to two existing bridges on the approach road, which it is felt may be at risk of damage from increased large vehicle movements.

Despite these concerns, it is not predicted that there will be a significant increase in traffic movements, with only approximately 8 more vehicle movements expected per week. Therefore, despite concerns about the standard of the approach road and site entrance, the Highway Authority have raised no objections to the proposal. The Highway Authority also note that improved parking and turning facilities are proposed within the site. In regard to the bridges on the approach road, it is not considered that this should have any impact on the determination of this application. While increased vehicle movements are likely to be minimal, this is a rural location with several agricultural and other business enterprises nearby. As such, there are several large vehicle movements already present from other sources and these could potentially increase without any need for planning permission.

### **Conclusion**

Overall, there is considered to be adequate justification for the proposed building and it is deemed that with an appropriate landscaping scheme, the proposal will not be detrimental to local landscape character. It is also considered that there will be no adverse impact on highway safety. The potential impact on the residential amenity of local residents does raise some degree of concern but it is accepted that the Environment Agency are the relevant legislative body for considering the issues of pollution such as odour and noise and that there are appropriate powers within the relevant legislative regimes to ensure that any unacceptable harm is appropriately dealt with. As such, it is considered appropriate to recommend approval of the proposed scheme.

### **RECOMMENDATION**

Approval with conditions

01. The proposed development is considered to be appropriately justified and by reason of siting, size, scale and materials, is also considered to have no adverse impact on local landscape character, locally important sites or on protected species. 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, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3, EC5, EC8, EP2, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles and provisions of chapters 1, 3, 4, 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: 'CH001(1) Rev E', 'CH001(3) Rev E', 'CH001(5) Rev E', 'CH001(6) Rev E', 'CH001(7) Rev E' and 'CH001(8) Rev E', received 10th January 2012.

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

03. The particulars of materials to be used for the external surfaces of the development hereby permitted shall match those listed within the application form, received on 4th January 2012 and design and approved plans 'CH001(6) Rev E' and 'CH001(7) Rev E', received 10th January 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, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the buildings hereby permitted shall be carried out in accordance with the details submitted on approved plan 'CH001(8) Rev E', received 10th January 2012. Such approved details, shall not subsequently be altered.

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, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

05. Provision shall be made within the site for the disposal of foul and surface water, in accordance with details as indicated in the Environmental Statement dated November 2011 and received 4th January 2012 and on approved plan 'CH001(3) Rev E', received 10th January 2012, unless otherwise agreed 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: 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.

06. 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 ten 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 details of an extension to the proposed bund across the southern end of the site (including an extended ground modelling plan for the bund) and details of additional planting, as referred to in the Council Landscape Architect's comments dated 12th March 2012 and as agreed in correspondence dated 30th March 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, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

07. The building to the south west corner of the application site, referred to as 'Existing Poultry House' on approved plans 'CH001(3) Rev E' and 'CH001(5) Rev E', received 10th January 2012, shall be demolished or removed from the site before the development hereby permitted is first brought into use, as referred to in the Council Landscape Architect's comments dated 12th March 2012 and as agreed in correspondence dated 30th March 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, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

08. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site, particularly those on the west boundary of the site, that may be affected by the development hereby approved, shall be drafted so as to conform to British Standard 5837: 2005. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing by the Local Planning Authority and it shall specify the following details:

- Root protection areas, construction exclusion zones, and the installation of protective fencing. Upon implementation of this planning permission, the measures as specified within the agreed Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety.

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

09. The development hereby permitted shall be carried out in accordance with the recommendations of the consultant ecologist, in accordance with details as indicated in the 'Extended Phase 1 Habitat Survey', within Appendix 4 of the Environmental Statement dated November 2011 and received 4th January 2012.

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

10. No means of external illumination shall be operated on any part of the subject land unless otherwise agreed in writing by the Local Planning Authority. Any details that may be agreed shall not be altered unless the Local Planning Authority gives its written consent to any such variation.

Reason: In the interests of residential amenity, visual amenity and safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

11. There shall be no burning of any produce or material whatsoever on the site.

Reason: In the interests of residential amenity, visual amenity and safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

**Informatives:**

01. The applicant is requested to consider the comments made by Wessex Water, details of which can be found on the planning file on the Council's website.
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APPENDIX A  
TO COMMITTEE REPORT

VARIED ENVIRONMENTAL PERMIT FOR CHARD POULTRY FARM

## Variation notice with introductory note

Environmental Permitting (England & Wales) Regulations 2010

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Chard Farm Poultry Unit

Devonshire Poultry Limited  
Chard Poultry Farm  
Grandchester Meadows  
Chaffcombe  
Chard  
Somerset  
TA20 4AU

Variation notice number  
EPR/HP3034GU/V002

Permit number  
EPR/HP3034GU

# Chard Poultry Farm

## Permit number EPR/HP3034GU

### Introductory note

*This introductory note does not form a part of the permit*

The following notice, which is issued pursuant to regulation 20 and Part 1 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2010 S.I.2010 No. 675 (the Regulations), gives notice of the variation of an environmental permit to operate a regulated facility.

This variation increases the number of poultry places from 72,000 to 136,000, with the addition of 2 poultry houses to the site. The new houses will operate in a similar way to the existing buildings. The ventilation system in the new houses will consist of roof mounted high velocity extraction fans which are recognised as BAT.

Schedule 1 of this notice lists any deleted conditions, Schedule 2 lists any amended conditions, Schedule 3 lists any conditions that have been added and Schedule 4 shows any changes to the plan.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status Log of the permit		
Detail	Date	Response Date
Application EPR/JP3937MZ/A001	Duly made 23/01/07	
Permit determined EPR/JP3937MZ	27/07/07	
Transfer application EPR/HP3034GU/T001	Duly made 02/01/09	
Transfer to Devonshire Poultry Limited	16/02/09	
Application EPR/HP3034GU/V002	Duly made 25/01/11	
Additional Information Received		17/05/11
Variation issued	08/08/11	

End of Introductory Note



**Notice of variation**  
**Environmental Permitting**  
**(England and Wales) Regulations 2010**

Permit number  
EPR/HP3034GU

The Environment Agency in exercise of its powers under Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675) varies the permit as set out below.

Devonshire Poultry Limited ("the operator"),  
whose registered office is

Little Westcott  
Drift Lane  
Sheldon  
Honiton  
Devon  
EX14 4QS

company registration number 04281354

holds a permit to operate a regulated facility at

Chard Poultry Farm  
Grandchester Meadows  
Chaffcombe  
Chard  
Somerset  
TA20 4AU

and that permit is varied to the extent set out in Schedules 1 to 4 of this notice.

The notice shall take effect from 08/06/2011

Name	Date
JEREMY CHEETHAM	08/06/2011

Authorised on behalf of the Environment Agency

## Schedule 1 – conditions to be deleted

The following conditions and tables are deleted as part of the variation application submitted by the Operator:

### 2.2 The Site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in red on the site plan at schedule 2 to this permit.

### 3.4 Odour

3.4.1 Emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including those specified in schedule 1 table S1.4, to prevent or where that is not practicable to minimise the odour.

### 3.5 Noise and vibration

3.5.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including those specified in schedule 1 table S1.5, to prevent or where that is not practicable to minimise the noise and vibration.

**Table S1.4**

<b>Table S1.4 Appropriate measures for odour</b>	
<b>Measure</b>	<b>Dates</b>
The operator shall maintain and implement the odour management plan submitted with the application in accordance with TGN SRG 6.02(Farming), Odour Management at Intensive Livestock Installations	27/07/07
The operator shall review the plan and record at least every 4 years or as soon as practicable after a complaint, (whichever is the earlier) whether changes to the plan should be made and make any appropriate changes to the plan identified by a review.	

**Table S1.5**

<b>Table S1.5 Appropriate measures for noise</b>	
<b>Measure</b>	<b>Dates</b>
The operator shall maintain and implement the noise management plan submitted with the application in accordance with TGN SRG 6.02(Farming), Noise Management at Intensive Livestock Installations.	27/07/07
The operator shall review and record at least every 4 years or as soon as practicable after a complaint, (whichever is the earlier) whether changes to the plan should be made and make any appropriate changes to the plan identified by a review.	

## Schedule 2 – conditions to be amended

The following tables are amended as a result of the application made by the operator

Amend Table S1.1 activities to read:

Table S1.1 activities		
Activity listed in Schedule 1 of the PPC Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a)(i) Rearing of poultry or pigs Intensively in an installation with more than: 40,000 places of poultry	The rearing of poultry in a facility with a capacity for 136,000 places for broilers.	From receipt of birds, raw materials and fuels onto the site to removal of birds and associated wastes from the site.
<b>Directly Associated Activity</b>		

Amend Table S1.2 Operating techniques to read:

Table S1.2 Operating techniques		
Description	Parts	Date Received
Application	The responses to sections B2.3.1, B2.3.2, B2.3.3, B2.6.1, B2.6.2, B2.6.3, B2.7.1 and B2.7.2 in the Application	23/01/07
Variation application	Responses in variation application form C2:3a, 3b, 3c; and Document 5.	25/01/11
Variation application	Odour Management Plan within Appendix 1 – Document 7	25/01/11
Variation application	Noise Management Plan within Appendix 1 – Document 7	25/01/11

### **Schedule 3 – conditions to be added**

*The following conditions are added to the permit as part of the variation application submitted by the Operator:*

#### **The Site**

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 2 to this permit.

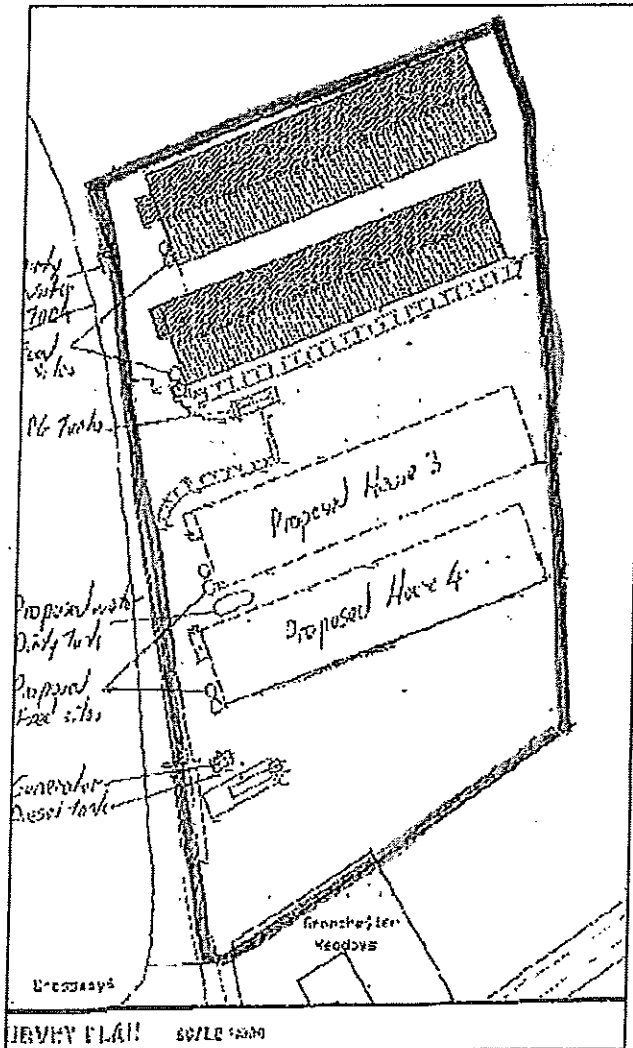
#### **3.4 Odour**

3.4.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

#### **3.5 Noise and vibration**

3.5.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

Schedule 4 – amended plan



Area West Committee – 17<sup>th</sup> October 2012

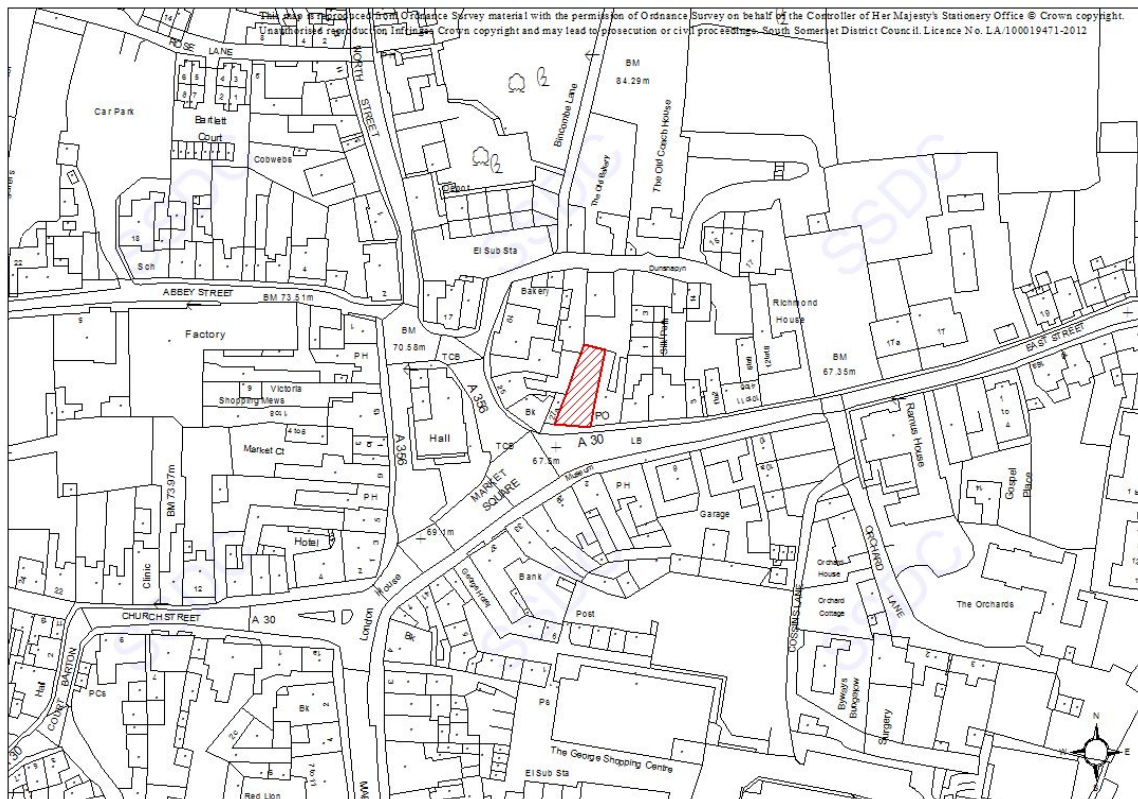
**Officer Report On Planning Application: 12/02967/FUL**

<b>Proposal:</b>	Change of use of ground floor from A2 (Financial and Professional) to A5 (Hot Food Takeaway) (GR 344171/109831)
<b>Site Address:</b>	1-3 East Street Crewkerne Somerset
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Mr J Dyke (Cllr) M Best (Cllr) Ms A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	Diana Watts, Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
<b>Target date:</b>	17th September 2012
<b>Applicant:</b>	Mr Shi Yun Chen
<b>Agent: (no agent if blank)</b>	Mr Chris Baranowski Higher Dairy House Allowenshay, Hinton St George, TA17 8TB
<b>Application Type:</b>	Other Change Of Use

**REASON FOR REFERRAL TO COMMITTEE**

This application is before Committee at the request of the Ward Member, with the agreement of the Vice Chairman. 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, particularly in view of the existing parking problems in the town centre.

**SITE DESCRIPTION AND PROPOSAL**



1-3 East Street consists of a mid terraced building situated in the town centre of Crewkerne. It was previously occupied by an estate agent and lies between a post office/shop and a bank. It is located within the Development Area, the Conservation Area and the primary shopping area of Crewkerne.

This is a full application seeking planning permission to change the use of the ground floor from A2 financial and professional services to A5 hot food takeaway. The proposed opening hours would be Mon- Sat (incl) 12.00-14.00 and 17.00-23.00, and Sundays/bank holidays 17.00-23.00 only. There would be 4 full-time equivalent employees. Physical alterations proposed include a new timber front entrance door to the east side of the existing openings with a top light above the doorway. External air conditioning vertical ducting would be provided to the rear and would extend above the ridge of the main roof by 1.2m. It would be clad in brick slips and an amended drawing has been provided to show a corbel detail in order to give the impression of a traditional chimney.

A Design and Access Statement has been submitted to explain and support the proposal:

- a previous application 12/00833/FUL was withdrawn to address the concerns of the Town Council and to investigate the efficacy of the proposed specialist air conditioning equipment.
- this application differs from that application in that the residential element has been removed and the air conditioning unit upgraded to ensure that all odours are kept away from the surrounding properties.
- the building is under single ownership but this application relates only to the ground floor.
- the owner of the property is currently running a Chinese takeaway business in Market Square and proposes to move his business to this building.
- the whole of the ground floor would be used for the proposed use.
- there is minimal noise associated with a Chinese takeaway and the air conditioning unit would be fitted with noise attenuation measures.
- a specialist air conditioning company has designed and would install a purpose built unit that would take away all odours from the building and consultations have been undertaken with the Environmental Health Officer.
- the residential element has been removed from the scheme so there would be no requirement for permanent car parking and there are numerous areas for parking within the immediate vicinity, including limited free parking spaces and paid car parks.
- design amended to indicate an area in the external rear courtyard for bin storage and on refuse day collections, they would be taken out for collection.

## HISTORY

12/00833/FUL - Change of use of ground floor from A2 to A5 - withdrawn  
 99/00457/ADV - Signs and lettering - permitted

## POLICY

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

The Development Plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

STR2 - Towns

49 - Transport Requirements

9 - The Built Historic Environment

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development

ST5 - General Principles for Development

EH1 - Conservation Areas

MC4 - Other uses in Town Centres

EP9 - Control of other potentially polluting uses

Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 1. Building a strong competitive economy

Chapter 2. Ensuring the vitality of town centres

Chapter 4. Promoting Sustainable Transport

Chapter 7. Requiring Good Design

Chapter 12 - Conserving and Enhancing Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

## **CONSULTATIONS**

Crewkerne Town Council - Recommend REFUSAL on the following grounds:

- The Council has serious highway concerns about additional on-street parking at such a busy, major junction in the town centre. Councillors are very aware that there are existing inconsiderate parking problems in the proximity of the mini-roundabout which cause traffic hold ups and congestion. The availability of short term on-street parking is already at a premium throughout the day so there is a perceived detrimental impact to public safety.
- The concerns expressed by the Environmental Health Officers about the air extraction are supported.
- The Council is unconvinced about the suitability and siting of the property for a take-away facility.

County Highway Authority - In terms of the A5 use I would like to make the applicant aware that the Highway Authority would not wish to see any vehicles parking directly outside of the development given the close proximity to the roundabout on East Street. This would normally result in a recommendation of refusal from the Highway Authority as these vehicles would cause disruption by interrupting the free flow of traffic for other road users. It is noted that similar concerns have been raised by Crewkerne Town Council.

However, it is likely that most of this proposal's operating hours will not overlap with those of the existing businesses in the town centre, and it was noted during my site visit



that there are a number of on street parking spaces in close proximity to the application site. Therefore it is likely that any traffic generated by this proposal will utilise these spaces.

Therefore based on the above information I raise no objection to this proposal.

Environmental Protection Officer –

I acknowledge that currently the apartment is not part of this planning application, but should a future application be received to change the use from business to residential, the applicant should be made aware that we will require any subsequent change of use to be tied in to the take away business through a section 106, restricting occupancy to the owners or employees of the business.

Reason: Any future occupiers will possibly be subject to odours and noise from the take away business.

The proposed extraction system would appear to be sufficient to protect the amenities of other local residential properties, and I would recommend that a condition be included to cover maintenance of the installed system.

Technical - no comment.

## **REPRESENTATIONS**

Neighbouring properties have been notified and a site notice posted (Conservation Area). No representations have been received.

## **CONSIDERATIONS**

The main issues are:

### **1. Use**

The provision of a variety of uses and activities in town centres is important in maintaining their vitality and viability. Shopping is the main use but other business uses such as banks, building societies, estate agents, pubs/restaurants and clubs can add to the vitality and viability by providing services that can be combined with shopping. Similarly, community facilities providing medical, educational, arts and leisure services also enhance a centre's attractiveness.

This site lies within a primary shopping area and policy MC4 states that within town centres but outside primary shopping frontages, a variety of uses (including premises for the sale of food and drink for consumption on or off the premises) will be permitted except where proposals would create a concentration of such uses where the cumulative impact would be harmful to the vitality and viability of the centre.

It is considered that a hot food takeaway which is classified as an A5 use would be appropriate in this location given that there is still a good mix of retail, financial and professional services, restaurants and cafes, and drinking establishments at this end of the town. It is not felt that there would be an overconcentration of hot food takeaways which would be detrimental to the vitality and viability of the centre.

## **2. Residential amenity**

It is important that the use would not disturb residents living close to the site in terms of noise and odour.

It is considered that given its town centre location and that the air conditioning unit would include noise attenuation measures, the proposed hours of opening of the takeaway would not have a significant detrimental impact on residents in the area. Furthermore, no objections have been received.

The issue of odour pollution has now been carefully investigated following the objections raised by the Environmental Protection Officer to the previous application. He is now satisfied that the proposed extraction unit would be of the highest specification to protect the amenities of nearby residents. He has also advised that, if for example, an application was submitted to change the use of part of the building to residential, then its use should be tied in to the takeaway business through a section 106 agreement, restricting occupancy to the owners or employees of the business. Bearing in mind the permitted use of the upper floor for A2 office use, it would also be important to ensure control over its occupation, given the possibility of odours permeating through the old floors and ceilings. A section 106 agreement to tie the ownership of these upper floors to the takeaway business would be necessary. The applicant has confirmed that he would accept such a restriction.

## **3. Highway safety**

The Town Council's concerns about adding to the existing inconsiderate parking problems in the proximity of the mini-roundabout are appreciated and this has been drawn to the Highway Authority's attention. The comments about the availability of short term on-street parking is also appreciated.

However, the Highway Authority has advised that it is likely that most of this proposal's operating hours would not overlap with those of the existing businesses in the town centre, and that there are a number of on-street parking spaces in close proximity to the application site, which could be used by any traffic generated by this proposal. It is considered therefore, that in view of this advice, it would be unreasonable to refuse this takeaway on the grounds of a lack of parking provision, especially when there are other similar situations in the town centre.

## **4. Conservation Area**

The additional timber door proposed to the front elevation would not appear out of place in the street scene and would not detract from the shopfront.

The steel extraction duct proposed to the rear of the building would be clad in brick slips, with corbel detailing where it would protrude above the ridge of the main roof. The addition of such ducting is often a sensitive issue, but particularly where the building lies in the Conservation Area. However, it would be on the rear of the building, extending up from the existing flat roof and would, with the help of the brick slips and corbel detail, reflect the appearance of a chimney. It would also be seen amongst a variety of roof styles, extensions and features and it is felt that it would have a negligible impact on the streetscene and given this context, it would safeguard the character and appearance of the Conservation Area.

## RECOMMENDATION

The application be approved subject to:-

a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:

- i) Ensure that the whole building known as 1-3 East Street, Crewkerne, is retained in the same ownership as the A5 takeaway business being operated on the ground floor or any subsequent permitted change of use to A4 (Drinking Establishments) or A3 (Restaurant and Café).

## JUSTIFICATION

01. It is considered that due to the nature of the use and the form, scale and design of the external alterations, the proposed development would safeguard the character and appearance of the Conservation Area, cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies ST5 (General Principles for Development), ST6 (Quality of Development), EP9 (Control of other potentially polluting uses) and EH1 (Conservation Areas) of the South Somerset Local Plan (Adopted April 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: Location plan, block plan, photographs of north elevation and south elevation, air conditioning unit/extraction details, drawing nos 1218.01/02/03/04/05/06/07/08/09/10 received 23 July 2012 and 1218.11 received 24 August 2012, amended Design and Access Statement and amended ownership details received 9 August 2012.

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

03. The use hereby approved shall not operate other than between 12.00-14.00 and 17.00-23.00 Mon- Sat (incl) and Sundays/bank holidays 17.00-23.00.

Reason: To safeguard the amenities and character of the area to accord with policies ST6 and EP9 of the South Somerset Local Plan 2006.

04. The development hereby approved shall not be commenced unless details of the colour/finish of the door hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

05. The development hereby approved shall not be commenced unless samples/details of the brick slips and mortar to be used to clad the ducting hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

06. The extraction unit shall be installed in accordance with the details submitted with the application and shall be fully operational before the use hereby approved is first commenced. The approved system following its installation shall be thereafter be permanently retained and maintained.

Reason: To safeguard the amenities of the area to accord with policies ST6 and EP9 of the South Somerset Local Plan 2006.

**Informatives:**

01. The applicant should contact the Local Planning Authority to discuss the need for Advertisement Consent for any proposed signage for the business.
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Area West Committee – 17<sup>th</sup> October 2012

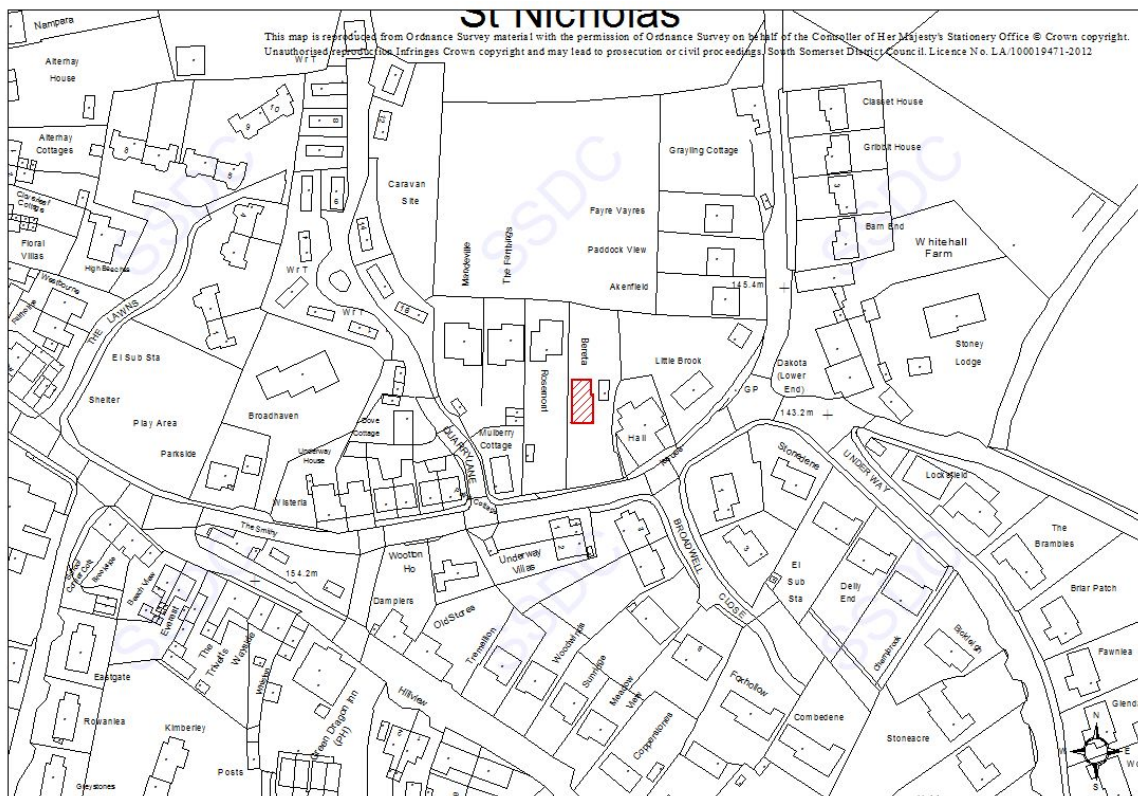
**Officer Report On Planning Application: 12/02927/FUL**

<b>Proposal:</b>	Alterations and the erection of a two storey rear extension, single storey side extension and veranda. (GR 330359/111309)
<b>Site Address:</b>	Bereta Underway 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>	10th October 2012
<b>Applicant:</b>	Mr & Mrs Roderigo
<b>Agent: (no agent if blank)</b>	Andy Paterson Andy Paterson Architects Rugbourne Farm, High Littleton Bristol, BS39 6JS
<b>Application Type:</b>	Other Householder - not a Change of Use

**REASON FOR REFERRAL TO COMMITTEE**

The application is before Area West Committee as the applicant is a member of this Committee. As such, this application may not be dealt with under delegated powers.

**SITE DESCRIPTION AND PROPOSAL**



The property is a detached dwelling located on the north side of Underway within the defined development area of Combe St Nicholas. It is sited in a generous plot and is approximately 18m from the highway. The topography of the site slopes steeply upwards to the north. There is a mix of residential properties around the site, with the village hall located immediately to the east. There is an attractive veranda on the front elevation, which is the full width of the property. Planning permission was granted in 2010 for the replacement of the veranda with a single storey extension to the front elevation of the property.

This proposal is made to erect a two-storey extension to the rear of the dwelling and also renew the existing veranda and provide an associated single storey extension and veranda to the side (east) elevation. The proposal includes the demolition of an existing garage to increase the amount of outdoor amenity space adjacent to the dwelling. The proposed works are to be finished with pantile roofing and pebble dashed walls to match the existing dwelling.

## **HISTORY**

10/03753/FUL: Alterations and the erection of a single storey front extension to dwellinghouse - Permitted with conditions.

98/02676/FUL: Erection of a conservatory on front elevation - Refused (subsequent appeal dismissed).

## **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

South Somerset Local Plan 2006:  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
Policy 49 - Transport Requirements of New Development

### Policy-related Material Considerations

National Planning Policy Framework (March 2012):  
Core Planning Principles - Paragraph 17  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy (2008-2026):  
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 9 - Homes: A balanced housing market with a range of low carbon affordable homes with the flexibility to meet the changing needs of the population.

## CONSULTATIONS

**Parish Council:** No objections.

**SSDC Technical Services:** No comment.

**County Highway Authority:** No observations.

## REPRESENTATIONS

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

## CONSIDERATIONS

This application is made to erect a two-storey extension protruding approximately 5m from the existing rear elevation of the property and a single store veranda and extension to the side elevation. The property is set well back from the highway but the extensions will be readily visible from public view. There is a mix of development along Underway, with many properties of varying size, scale, design and materials.

In general design terms, the proposed works are considered to be acceptable as they are of a scale, mass, design, and materials that respect and relate to the character and appearance of the property and its surroundings.

The rear extension is close to the neighbouring boundary but the property to the west is set back a greater distance from the highway than Bereta and while being a bungalow, is on higher ground. As a result of this and taking into account the distance between this neighbouring property and the extension, there is considered to be no unacceptable impact caused to the residential amenities of the neighbouring residents by way of overshadowing or overbearing impact. No new openings are proposed at first floor level to the west and the views to the north are such that there will be no direct overlooking of the adjacent property. The new openings to the east look towards the adjacent village hall, with the nearest residential property to the east being at a good distance to avoid any amenity concerns.

The proposal includes the demolition of an existing garage but there are no concerns in relation to highway safety as there is still a large amount of parking space to the side and front of the house, which will serve the needs of the dwelling. The County Highway Authority have raised no objections.

Overall, the proposed development is considered to be acceptable and 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 and relates to the character of the property and its surroundings and causes no unacceptable harm to residential amenity, 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 core planning principles 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 plans: '1:1250 Location Plan, '1207/02/05' and '1207/02/06', received 23rd July 2012 and '1207/02/04A', received 15th August 2012.

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

03. The particulars of materials to be used for the external surfaces of the development hereby permitted shall match those listed within the application form and design and access statement, received 23rd July 2012.

Reason: In the interests of visual amenity, in accordance with policy STR1 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 7 of the National Planning Policy Framework.

04. 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), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the west elevation of the extension hereby permitted without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan 2006.

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